NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3001. Adulteration and misbranding of Bohemian Malt Tonic. U. S. v. 10 Casks Bohemian Malt Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 4899. S. No. 1623.)

On December 19, 1912, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 casks of Bohemian Malt Tonic so-called, remaining unsold in its original unbroken packages, and in possession of Hazeltine and Perkins Drug Co., Grand Rapids, Mich., alleging that the product had been shipped on or about November 16, 1912, by the Western Brewery Co. of Belleville, Ill., and transported in interstate commerce from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On unit bottles) "Bohemian Malt Tonic. Contains less than 4% alcohol. A pure Tonic Food. Brewed strictly from Malt and Hops only. Bohemian." (Guaranty legend) "Serial No. 2450 Western Brewery Co. Belleville, Ill. U. S. A. $1000 for any adulteration in our goods." (On shipping packages, stencil) "Glass. Open this end. M. T." (On shipping tag) "Hazeltine and Perkins Drug Co., Grand Rapids, Mich. 10 dozen small Fermented Malt Liquor. From Western Brewery Company, Belleville, Illinois."

Adulteration of the product was alleged in the libel for the reason that it contained a cereal product which had been used in said article of food, which said cereal product had been substituted for malt in such manner as to reduce and lower the quality and strength of said article.

Misbranding of the product was alleged for the reason that it was labeled as set forth above, in and by which said label the article of food was described as Bohemian Malt Tonic, whereas, in truth and in fact, said article labeled as hereinbefore set forth contained a cereal product which had been used in said preparation and article of food, which said cereal product had been substituted for malt in such manner as to reduce and lower the quality and strength of said article of food. Misbranding was alleged for the further reason that the use of the geographical expression "Bohemian" was false and misleading in that it implied that the article of food was of foreign manufacture, whereas, in truth and in fact, it was manufactured by the Western Brewery Co. of Belleville, Ill.

On May 9, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *March 30, 1914.*

3002. Misbranding of jam. U. S. v. E. C. Flaccus. Plea of guilty. Fine, $10 and costs. (F. & D. No. 4903. S. No. 19233-d, 19234-d.)

On May 6, 1913, the United States attorney for the northern district of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district against E. C. Flaccus, doing business under the firm name of E. C. Flaccus Company, Wheeling, W. Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, during the month of March, 1912, from the State of West Virginia into the State of New York, of a quantity of jam which was misbranded. Part of the product was labeled, "Lion Brand Compound

Jam Made From 50% Corn Syrup 25% Apple Juice 25% Fruit Artificially Colored Austin, Nichols, & Company, Distributors, New York. Prepared from 25% Raspberry Artificially Colored." Part was labeled as above, with the exception that the words "25% Strawberry" appeared on the label, instead of the words, "Prepared from 25% Raspberry Artificially Colored."

Analysis of samples of the product by the Bureau of Chemistry of this department showed the following results:

Determination.	Sample No. 1.	Sample No. 2.
Solids (per cent)	71.88	69.09
Nonsugar solids (per cent)	31.44	31.14
Sucrose, Clerget (per cent)	1.36	2.11
Reducing sugars as invert before inversion (per cent)	39.08	35.844
Commercial glucose (factor 163) (per cent)	69.70	70.18
Polarization, direct, 20° C. (°V.)	+116.0	+ 118.8
Polarization, invert, 20° C. (°V.)	+114.2	+ 116.0
Polarization, invert, 87° C. (°V.)	+113.6	+ 114.4
Ash (per cent)	0.536	0.542
Phosphoric acid (per cent)	0.270	0.247
P_2O_5 in ash (per cent)	50.38	45.58
Tests for salicylic and benzoic acids, and saccharin: Negative.		
Arsenic: None found.		
Test for coal-tar color: Positive.		

The color on wool reacts like Amaranth.

Misbranding of the products was alleged in the information for the reason that the statements on the labels of the products were false and misleading, because they represented to the purchaser that said products contained no other ingredient than those enumerated in the statements whereas, in truth and in fact, they were composed in part of another article, to wit, phosphoric acid.

On May 9, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *March 30, 1914.*

3003. Adulteration and misbranding of acetanilid compound tablets. U. S. v. Burrough Bros. Mfg. Co. Plea of guilty. Fine, $20. (F. & D. No. 4908. I. S. No. 817-d.)

On July 18, 1913, the United States attorney for the district of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Burrough Bros. Manufacturing Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on May 6, 1911, from the State of Maryland into the State of Nebraska, of a quantity of compressed tablets, acetanilid compound No. 5, which were adulterated and misbranded. This product was labeled: "Guaranteed under the Food and Drug Act, June 30th, 1906. Serial No. 2085. 500 91024 Compressed Tablets. Acetanilid Comp. No. 5. Acetanilid, 2 1-2 grs. Camph. Monobrom., 1-2 gr. Sodium Salicylate, 1 gr. Ext. Hyoscyamus, 1-8 gr. Tinct. Gelsemium, 2 min. Burrough Bros. Mfg. Co., Chemists, Baltimore, Md."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Acetanilid (grains per average tablet)	1.849
Sodium salicylate (grains per average tablet)	0.903
Shortage of acetanilid (per cent)	26
Shortage of sodium salicylate (per cent)	10

Adulteration of the product was alleged in the information for the reason that its strength fell below the professed standard of strength under which it was sold in that

it was stated in substance and effect on the label of the bottle containing the tablets that the acetanilid content of each tablet was 2½ grains of acetanilid, whereas in truth and in fact the acetanilid content of each tablet was not 2½ grains, but was, on the contrary, only 1.847 grains. Adulteration was alleged for the further reason that the strength of the product fell below the professed standard of strength under which it was sold in that it was stated in substance and effect on the label of the bottle containing the tablets that the sodium salicylate content of each tablet was 1 grain, whereas in truth and in fact the sodium salicylate content of each tablet was not 1 grain, but was, on the contrary, only 0.903 grain. Misbranding was alleged for the reason that it was stated on the label of the bottle containing the tablets, in substance and effect, that the acetanilid content of each tablet was 2½ grains and the sodium salicylate content of each tablet 1 grain, which said statements were false and misleading in that the acetanilid content of each tablet was but 1.847 grains and the sodium salicylate content of each tablet but 0.903 grain. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser in that it was stated upon the label of the bottle containing the tablets, in substance and effect, that the acetanilid content of each tablet was 2½ grains and the sodium salicylate content of each tablet 1 grain, whereas in truth and in fact the acetanilid content of each tablet was but 1.847 grains and the sodium salicylate content of each tablet but 0.903 grain.

On October 10, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of $20.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *March 30, 1914.*

3004. Misbranding of Radam's Microbe Killer. U. S. v. 539 Wooden Boxes and 322 Pasteboard Cartons of Wm. Radam's Microbe Killer. Tried to the court and a jury. Verdict for the United States. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 4910. S. No. 1628.)

On December 23, 1912, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and thereafter an amended libel, for the seizure and condemnation of 539 wooden boxes and 322 pasteboard cartons of Wm. Radam's Microbe Killer, remaining unsold in the original unbroken packages, and in possession of D. W. Ham, Minneapolis, Minn., alleging that the product had been shipped prior to October 29, 1912, and subsequent to August 23, 1912, by the Wm. Radam Microbe Killer Co., New York, N. Y., and transported from the State of New York into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended by the act of August 23, 1912. Nine of the wooden boxes were labeled: "½ Doz. Bottles No. 1. Drink Wm. Radam's Microbe Killer It Cures & Prevents Disease. Office 121 Prince St. New York, N. Y. Guaranteed Food & Drugs Act—No. 793." Three hundred and forty-one of the wooden boxes bore a label and brand similar to the brand set forth above except that the figure "2" was substituted where the figure "1" appeared on the foregoing label and brand; 21 of the wooden boxes bore a label and brand similar to that set forth above except that the figure "3" was substituted where the figure "1" appeared on the foregoing label. Thirty-eight of the wooden boxes were labeled: "Six Bottles No. 1. Wm. Radam's Microbe Killer Blood Purifier—Digestive Antiseptic—Tonic. (Shield—Registered Trade Mark) Guaranteed Food and Drugs Act. No. 793. 121 Prince St., New York, N. Y." Thirteen wooden boxes of the product bore a label and brand similar to the label and brand last set forth above except that the figure "2" was substituted where the figure "1" appeared on the label and brand last set forth above; 23 wooden boxes of the product bore a label and brand similar to the label and brand last above set

forth except that the figure "3" was substituted where the figure "1" appeared on the label and brand last above set forth. Twenty-two wooden boxes, each containing two stone jugs of the product, bore the following label and brand: "Jugs No. 1 Drink The Water of Life (Shield—Registered Trade Mark) Wm. Radam's Microbe Killer. Guaranteed Food and Drugs Act No. 793. 121 Prince St., New York, N. Y." Seven wooden boxes, each containing two stone jugs of the product, bore a label and brand similar to the label and brand last above set forth except that the figure "2" was substituted where the figure "1" appeared on the label and brand last above set forth; and 21 wooden boxes, each containing two stone jugs of the product, bore a label and brand similar to the label and brand last above set forth except that the figure "3" was substituted where the figure "1" appeared on the label and brand last set forth above. Twenty-three wooden boxes, each containing two stone jugs of the product, were branded: "Jugs No. 1. Wm. Radam's Microbe Killer The Great Enemy of Disease You Drink It. Laboratory No. three New York, N. Y., U. S. A. Guaranteed Food & Drugs Act No. 793." Twelve wooden boxes, each containing two stone jugs of the product, bore a label and brand similar to that last above set forth except that the figure "2" was substituted where the figure "1" appeared on the label and brand last above set forth; 9 wooden boxes, each containing two glass jugs of the product, bore a label and brand similar to that last set forth above except that the figure "3" was substituted where the figure "1" appeared on the label and brand last set forth above. One hundred and forty-six pasteboard cartons, each containing six bottles of the product, bore the following label and brand: (On one side) "Six bottles No. 2 Wm. Radam's Microbe Killer Digestive—Antiseptic Blood Purifier—Tonic. (Shield—Registered Trade Mark) Guaranteed Food and Drugs Act No. 793. 121 Prince St., New York, N. Y." (On other side) "Living Microbes Cause Disease and death. Dead Microbes Create New Life and Growth. Wm. Radam's Microbe Killer (Shield—Registered Trade Mark) Digestive—Antiseptic Blood Purifier—Tonic." One hundred and seventy-six pasteboard cartons, each containing two glass jars of the product, bore a label and brand similar to that last above set forth except that the words and figure "Glass Jar No. 2" were substituted where the words and figures "Six Bottles No. 2" appeared on the brand last set forth above. All the bottles, stone jugs, and glass jugs of the product bore the following label and brand: "Wm. Radam's Microbe Killer (No. 1, 2 or 3) (Registered Trade Mark—Shield with pictorial device of skeleton and man with raised club) Guaranteed by The Wm. Radam Microbe Killer Co. under the Food and Drugs Act, June 30, 1906. Serial No. 793. The genuineness of every bottle is secured by Trade Mark as above and my name must be written on each label. Wm. Radam." The label on the retail packages in each case or carton bearing the figure "1," "2," or "3" after the letters "No.," according to and corresponding with the number set forth on the label of the case or carton containing such retail package. Accompanying said shipment were printed circulars, descriptive of said product.

Misbranding of the product was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effect of said product, "Wm. Radam's Microbe Killer," appear in the said printed circular accompanying said shipment:

On cover: "The Great Digestive Blood Purifier and Tonic Sane—Safe—Sure."

On page 2: "Radam's Microbe Killer drunk in glassful doses destroys the microbes without injury to the system and thereby prevents and eradicates disease."

On page 3: "Through ignorance, indulgence or indiscretion, we create within ourselves the fermentation that microbes seek for food. Increasing very rapidly they cause congestion of the blood that brings pain, fever, inflammation, etc.—in other words, makes us sick. To get well we must relieve this congestion, get rid of the microbes. Wm. Radam's Microbe Killer never fails to do this if taken in time and used as directed."

On page 4: "Likewise Microbe Killer disinfects the whole system when its gases are released by the heat of the stomach. When microbes vanish disease disappears."

On page 8: "The 'Microbe Killer' can be used in combination with doctors' prescriptions (taken one hour before) as it thoroughly overcomes the fermentative changes in the alimentary tract so often found in disease, thereby giving the drugs a better chance to be quickly absorbed and exert their effects, and in this way preventing prolonged convalescences."

On page 9: "In families where Consumption, Cancer, Syphilis and other hereditary diseases are known to exist, Microbe Killer should be taken as a preventive, in wineglassful doses, three times a day regularly for at least six months, thus preventing the disease from becoming active."

On page 11: "Radam's Microbe Killer cures every disease."

On page 15: "Mary Ewers of No. 242 Wyckoff St., Brooklyn, N. Y., had cancer and asthma, and after taking Radam's Microbe Killer got better * * * asthma left her, the cancer got smaller and smaller and then disappeared."

On a strip label over neck of bottle appeared the statement: "A blood purifier, antiseptic and tonic," and under directions on the label of each and every retail package appeared the following:

"Drink one wineglassful after meals and at bed time, also at other times as desired. Reduced quantity for children and infants. Apply externally wherever there is pain, inflammation or ulceration."

"No. 1.—For Headache, Neuralgia, Croup, Mumps, Measles, Whooping Cough, Worms, Diphtheria, Tonsilitis and Throat Complaints. Also for Asthma, Bronchitis and Consumption."

"No. 2.—For Dyspepsia, Indigestion, Gastritis, Colds, Coughs, Malaria, Grippe, Catarrh, Rheumatism, Tumors, Cancer, Blood, Kidney, Bladder, Stomach and Liver Complaints also for the Skin, Hair and Scalp."

"No. 3.—Pure or diluted for external use, injections, gargles, etc. Drink pure for contagious diseases, as Yellow Fever, Leprosy, Small Pox, etc., also for Constipation and very stubborn, acute and chronic cases of disease where No. 2 fails to produce results. Use for 10 days at a time only, then resume with No. 2."

And upon the sides of each and all retail packages the labels read, "Being harmless it can be used without fear as directed. Microbe Killer can be added to drinking waters as a safeguard against disease * * * It is unequaled as a digestive and for throat and stomach troubles * * * " and on a pasteboard cover inclosing each and every bottle of said product appeared the following statements: "Digestive—Antiseptic—Blood Purifier—Tonic * * * Harmless as water—* * * Added to milk makes food for the blood * * * For Consumption, Cancer, Catarrh, Rheumatism, Dyspepsia, Kidney, Stomach, Liver, Throat, Blood, etc. * * * Radam's Microbe Killer kills microbes and protects the blood from their attacks, thereby prolonging life," all of which said statements, so appearing on the various labels as above set forth, regarding the curative and therapeutic effect of said product, "Wm. Radam's Microbe Killer," were false and fraudulent in this: That said product would not destroy microbes in the human system, was not harmless, was not a tonic, antiseptic, or digestive, was not "food for the blood," and was not effective for the treatment of consumption, cancer, catarrh, yellow fever, leprosy, diphtheria, or smallpox, and the designation of said product as "Microbe Killer," as appeared on each and every package of said product, was false and fraudulent, in that by said name said product falsely and fraudulently purported to have the power of destroying and killing microbes within the body, when such was not the case; and said statements were so falsely and fraudulently made, and said name, "Microbe Killer," so falsely and fraudulently applied to said product, with the intention to create the impression that said product was efficacious for the treatment of the diseases specified and the killing and destroying of microbes within the body.

On June 10, 1913, D. W. Ham, claimant, filed his answer to the amended libel denying the allegations.

On October 11, 1913, the case having come on for trial of the issues before the court and a jury, after the submission of evidence and argument by counsel, the following charge was delivered to the jury by the court (Willard, *J.*):

Gentlemen of the Jury: The statutes of the United States prohibit the transportation in interstate commerce of any food or drug that is adulterated or misbranded, and by interstate commerce is meant a shipment from one State of the United States to another State of the United States. For a violation of this statute the law provides two remedies. Section 2 of the Food and Drugs Act of 1906 declares that any person who ships any adulterated or misbranded article in violation of the law in interstate commerce, upon conviction shall be punished by a fine, and upon conviction the second time shall be punished by imprisonment. That you will observe is a prosecution against the individual. Section 10 of the same act declares that when such adulterated or misbranded food or drugs is shipped in interstate commerce in violation of law the Government may proceed directly against the article so shipped, and not require any process or proceeding against any individual. The case which we now have in hand is brought under section 10 of the act and not under section 2. There is no criminal prosecution whatever involved in this proceeding. The claimant, Ham, is not being proceeded against for a violation of law. He is not in this proceeding subject to any fine or to any imprisonment. This is what is called a proceeding against the property itself.

If you look at the libel or complaint you will see that it is entitled "The United States against 539 Wooden Boxes and 322 Cartons." The procedure in a case of this kind (and I call your attention to this matter because it is almost unknown in the State courts), while it is more frequent in the United States courts, it is not as frequent as the ordinary suit between man and man or between the Government and individuals—the procedure in a case like this is the presentation of what is called the complaint or libel by the Government which is filed in this court. Thereupon the court orders the marshal of the United States for this district to seize the property described in the complaint. It is then the duty of the marshal to seize it, and it is also his duty to publish a notice in the newspapers of this seizure, warning any one who has any interest or may have any interest in the property to appear in court, present his claim and support it. That was done in this case. A libel was filed, the marshal went to the residence of this claimant, seized this product and carried it away. A notice was published, and in pursuance of that notice Mr. Ham appeared in court voluntarily and set up a claim to this property. That is the position in which Ham stands in this suit as a claimant of the property. The procedure in such a case after a claimant does appear is to have a trial of the question as to whether the product is adulterated or misbranded. If it is not adulterated or misbranded, then it is turned over to the claimant. If it is adulterated or misbranded the subsequent proceedings depend upon which one of these two things is proven. If the property is found to be adulterated and injurious to health, then it is destroyed by order of the court. If after investigation it is shown to be misbranded only, where the property is not injurious to health, then the law provides that it may be turned over to the claimant upon his paying the costs of the proceeding and giving a bond that he will not sell or dispose of the property in violation of any law of the United States or of any State. It would mean in this case, if misbranded only, that he would have to change the label and change the wording on the cartons and cases so that it will not violate the law. This case on trial is for misbranding only; it is not a case of adulteration. There has been more or less testimony in the case as to injurious results which might follow the use of this article. That is a question which is not important in this case. It is not necessary in order for the Government to prevail here that it proved to you that this article is injurious in any respect. You would not be justified in finding a verdict for the claimant on the theory that it was harmless. That is not the question for you to try; the question for you to try is whether this article is misbranded or not; whether the label, as I shall later explain to you, is false or fraudulent; and whether the statements contained in this label are false or fraudulent. That being the nature of this prosecution, in order that the Government may recover it is necessary for it to prove two things. It must prove that the articles seized by it in this proceeding, or some part of them, were shipped in interstate commerce—that is, shipped from one State to another—after the 23d of August, 1912. The second thing which the Government must prove is that these articles or these packages so shipped were misbranded, in violation of the laws of the United States. Upon the first proposition, as to whether there was a shipment of this product after the 23d of August, 1912, in interstate commerce, I apprehend you

will find no difficulty. The testimony, as well as of the claimant as of the Government I think will satisfy you that there was a carload of this preparation shipped from New York to Minneapolis in the month of October, 1912. It will also satisfy you, I think, that the carload was taken to the residence of the claimant Ham. It will also satisfy you, I think, that a part of this carload so shipped in October, 1912, was seized in this proceeding. So that upon the first of these propositions I apprehend that you will have no difficulty. The next question is, Was the product so seized by the Government, if you find that it was shipped in interstate commerce after the 23d day of August, 1912, misbranded? To know whether it was misbranded or not you must be referred to the law upon the subject of misbranding. Reference has been repeatedly made during the trial to the Sherley amendment. The origin of that amendment was this: Prior to August, 1912, a case had reached the Supreme Court of the United States in which a person was prosecuted under the law, as it stood originally, for making false and fraudulent statements upon the labels of a patent medicine (I think in that case the statements were that the medicine would cure cancer); the Supreme Court of the United States held that the law as it then stood did not reach false statements in regard to the curative properties of a medicine. After that decision Congress, on the 23d of August, 1912, passed an amendment to the original act, and that amendment is as follows: "That that part of section eight of the Food and Drugs Act of June thirtieth, nineteen hundred and six, defining what shall be misbranding in the case of drugs, be, and the same is hereby, amended by adding thereto a third paragraph, to read as follows:" This is the paragraph under which the present proceeding is had. "If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent." So that the second question for you to determine in this case is whether any of the statements contained upon the label placed upon these bottles or upon the packages, or found in this little pamphlet which was contained in each package, and which representations are referred to in the libel and relied upon therein, are false and fraudulent. The testimony of the Government as to the character of this preparation is based, so far as the scientific witnesses are concerned, and by scientific witnesses I refer to the chemists and representatives of the Bureau of Chemistry, upon an analysis of the contents of these bottles which were bought by Lynch from Ham on the 4th day of December. If, as a matter of fact, these bottles did not come from a shipment made after the 23d of August, 1912, but came from a shipment made some time before that, then the entire case of the Government falls right there, and your verdict will necessarily be for the claimant, because the testimony of all these witnesses would then relate to an article which was not shipped until after August 23. So when you come to the question of misbranding that will be the first thing which you will take up. Were these bottles which have been produced, which were bought by Lynch on the 4th day of December a part of this October, 1912, shipment, or were they bottles which Ham had received prior to the month of August, 1912? You will remember the evidence upon that point, and it is not necessary for me to refer to it, except to say this: As a part of the evidence upon which the Government relies, it has presented three receipts signed by Ham, in which it is definitely stated, as I understand it, that these bottles did come from the shipment of October, 1912. Ham now says that he did not read the receipts when he signed them, did not know what they contained, and that that statement is false. If this document which he signed contained any agreement or obligation on his part he would not be permitted, at least in this court under the rules prevailing in the United States courts in this circuit, to make any such claim. When a man signs a contract by which he agrees to do certain things it is his business to read the paper and to know what he is signing. In this court he is not permitted to come in and say that he did not read the contract before he signed it; he is not permitted to do that. However, these documents are not contracts; they are simply receipts and do not bind Ham to do anything, and the law in that case does permit him to give evidence such as has been given here. So it will be for you to say whether the statements made by Ham in those receipts or the statements made in these receipts signed by Ham are true, or whether they are false; whether what was then said over his signature is true, or whether what he says now is true. That will be for you to determine. If you believe that these bottles did not come from the October, 1912, shipment, but came from some shipment made prior to that time, then it will be your duty to find a verdict for the claimant. If, however, you determine that these bottles did come from the October, 1912, shipment, then you will pass to the further consideration of whether the packages were misbranded. In determining that you are not entitled to take into consideration all of the statements made in this pamphlet or upon the bottles or upon these cartons or boxes, but only such statements as are set forth in the libel which you will have before you, and you can consider it.

It is not necessary for you to find that all of the statements and representations made upon the packages or in this pamphlet are false and fraudulent. It is sufficient if you find that any one of them, any single one of them, is false and fraudulent within the meaning of the law. There has been testimony offered of a witness who was presented on the part of the Government that this preparation might kill germs in the mouth, and I think some of them testified that it might kill germs in the stomach. The fact that it might under certain circumstances be therefore a germ killer or a microbe killer does not justify you in finding a verdict for the claimant in this case. Before you can do that you must find that each and all of the representations as to the curative properties of this medicine found upon the packages are true, or are not false and fraudulent. As an illustration of what I mean, I will call your attention to the directions on the bottle of No. 3 where it says, "Pure or diluted for external use, injections, gargles, etc. Drink pure for contagious diseases, as yellow fever, leprosy, smallpox, etc." That, I charge you, amounts to a statement or representation that this preparation will be beneficial in a case of leprosy. If you find that the preparation is absolutely worthless in a case of leprosy, or absolutely worthless in a case of yellow fever, and that the manufacturer must have known that it was worthless, then having found the other facts which are necessary to find, it would be your duty to return a verdict for the Government in this case. In other words, it would be your duty to find that the representations were false and fraudulent, and it is not necessary for the Government to show that the representations with regard to coughs or colds, catarrh, or dyspepsia were also false and fraudulent. I think you understand what I mean. The Government does not have to prove that this product is entirely worthless for what it is said to be beneficial. It is sufficient to prove that it is false and fraudulent as to any one of these statements.

The question now arises as to what is the meaning of the words false and fraudulent. If the question as to whether a statement or a representation is true or not is a matter of opinion, so that reasonable men might differ upon that question, some men might think one way and some men think another, then such representations can not for the purposes of this case be said to be false or fraudulent. A verdict for the Government must stand not upon any question of opinion, but upon the proposition that the remedy is absolutely worthless; the label must be shown to be demonstratively false. If the truth of the statements upon these labels as a matter of fact is a matter of opinion, no verdict for the Government can be based on the falsity of such statements. No verdict on the ground of false statements can lawfully be based upon matters of mere opinion. By way of illustration, I might refer to the matter of vaccination. While it is generally believed that vaccination is a preventive of smallpox, yet there are many people, quite a number of them, who think that it is not. That is a matter of opinion. It is for you to determine, gentlemen, from all the evidence in the case whether these statements or any one of them upon these labels are false and fraudulent within the rule which I have given you. If you believe that this remedy is so absolutely worthless, for example, for leprosy or for catarrh or for consumption or for diphtheria, that the manufacturer must have known that, then you would be justified in finding that the statements made with reference to these diseases upon the labels are false and fraudulent.

I shall not attempt to go over the evidence in the case at all. The evidence of the witnesses for the Government as to the contents of these preparations is undisputed. The evidence as to what becomes of the acids in these preparations after they enter the human body is also undisputed. The effect of the acid when it was transformed, as declared by their testimony, is also undisputed. That testimony can not be called a matter of opinion. They are testifying to what they claim to be facts. The testimony of the physicians who have been examined by the Government is undisputed, and is contradicted by the testimony of no physician on the part of the claimant. The claimant has limited his testimony to the evidence of persons who say that they have been benefited in their cases by the use of this preparation. The nature of the troubles with which they were then afflicted does not appear any further than you gathered from the testimony which they gave with regard to their symptoms. No doctor has been presented who claims to know what the diseases were from which these witnesses were then suffering, with the exception of the witness Jones, and as to her the Government has presented some medical testimony.

If you find that this product was shipped in interstate commerce after the 23d of August, 1912, and that it was misbranded in violation of the law, then you will pass to the consideration of how much of the carload was received or seized by the Government. The claim of the Government is that all of the packages which it seized were contained in this carload of October 12. If you find from the evidence that that claim is substantiated, then your verdict should be for the condemnation of the product. It is said by the claimant, however, that a part of the packages seized by the

Government was received by him prior to August, 1912. He said about half of it. There has been some testimony as to 40 cases which were seized and were delivered afterwards by the Government to the claimant. The return of the marshal who seized this property shows, as I compute it, a seizure of 920 packages; the number of packages set out in the libel is 861. That would show a surrender of more than 40 packages. In any event, your verdict would be limited to the number of packages stated in the libel, which is 861. If you find that all of these 861 packages came from the shipment of October 12, then you will find a general verdict for the Government, if you find the other facts in favor of the Government. If, however, you are of the opinion that some of the 861 packages were packages which were received prior to August, 1912, then it will be your duty to determine how many of the 861 packages were received prior to August, 1912, and render a verdict for the Government for the difference, indicating that in your verdict.

The claimant has requested me to charge you as follows, and I do so: In order that your verdict may be for the United States of America in this case, the Government must show that the samples taken and analyzed were actually taken from goods transported in interstate commerce subsequent to August 3, 1912. He also requests me to charge you as follows, which I do: In order that your verdict may be for the United States of America, it is necessary for the Government to show that the goods described in the libel herein were the goods actually seized by the Government.

Counsel for the claimant also requests me to call your attention to certain newspaper articles, and one in particular in the Minneapolis Tribune of October 10, with reference to this trial. I say to you that you are bound by your oaths to try this case upon the testimony given here in court, and that you ought not and should not be influenced in any way by anything which the newspapers say about this case, or by anything which any of the witnesses may have said to newspaper reporters, which was published in the newspapers, regarding this case. If any of you read this article, you will lay it aside entirely and determine this case from the evidence which you heard in this court room and not upon anything that you may have heard outside.

In this case the burden of proof is upon the Government and not upon the claimant. The Government must satisfy you by a preponderance of the evidence that its claim upon each one of these different elements which go to make up this claim is true. If you are in doubt as to what the fact may be upon any particular point which it is necessary for the Government to maintain, then your verdict must be for the claimant. You are the exclusive judges of the facts. You are bound to take the law from the court, but upon all questions of fact you are the sole judges, uninfluenced by any opinion which the court may have unintentionally expressed as to what it thinks itself of the case.

The clerk will give you two forms of verdict. One is a verdict for the claimant, and the other is a verdict for the United States Government. If you find for the Government on all of the issues, find that all of the 861 packages seized were in the shipment of October 12, 1912, then you will sign this verdict. If you find that there was only a part of that shipment, or if you find that only a part of the goods seized were in that shipment, then you will indicate the number of packages in your verdict, and find for the claimant as to a certain number of packages.

After due deliberation, the jury returned into court with a verdict in favor of the United States, and on November 28, 1913, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *March 30, 1914.*

3005. Adulteration of nuts. U. S. v. 50 Boxes and 18 Boxes Mixed Nuts. Decree of condemnation by default. Product ordered destroyed. (F. & D. No. 4911. S. No. 1629.)

On December 23, 1912, and March 4, 1913, the United States attorney for the district of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district courts of the United States for said district libels for the seizure and condemnation of 50 boxes and 18 boxes, respectively, of nuts, remaining unsold in the original unbroken packages, at Boston, Mass., alleging that the product had been shipped by Birdsong Brothers, New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration, in violation of the Food and Drugs Act. The product was labeled, "Elk Brand—Foreign—Domestic—Assorted

Nuts." Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On January 15, 1913, and June 6, 1913, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *March 30, 1914.*

3006. Adulteration of frozen eggs. U. S. v. Benjamin Albert and Abraham Gerber. Plea of guilty. Fine, $50. (F. & D. No. 4912. I. S. Nos. 3175-d, 13328-d.)

On June 17, 1913, the United States attorney for the southern district of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against Benjamin Albert and Abraham Gerber, doing business under the firm name and style of Albert & Gerber, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on March 11, 1912, from the State of New York into the State of Massachusetts, of a quantity of frozen eggs which were adulterated. The product bore no label, but was invoiced as frozen eggs. Examination of samples of the product by the Bureau of Chemistry of this department showed the following results:

Sample 1.

cc N/100 iodin solution reduced per 15 grams of sample, 185.8 (an increase of 26 per cent above good commercial eggs).

mg of ammonia per 100 grams of sample (ZnO method), 103.5 (an increase of 106 per cent above good commercial eggs).

mg ammonia per 100 grams of sample (Folin's method by titration), 36.2 (an increase of 180 per cent above good commercial eggs).

mg ammonia per 100 grams of sample (Folin's method by nesslerization), 50.2 (an increase of 232 per cent above good commercial eggs).

All results are calculated to moisture-fat free basis.

Remarks: The results indicate that the sample is decomposed.

Sample 1-A.

180,000,000 organisms per gram on plain agar at 25° C.

250,000,000 organisms per gram on plain agar at 37° C.

10,000,000 *B. coli* group per gram.

10,000,000 streptococci per gram.

The results of this analysis indicate that the product consisted in part of some form of decomposed or rotten egg, or that the product was packed from eggs under dirty conditions and that fecal matter from the shells of the eggs or filth in the containers or careless handling badly contaminated the product.

Sample 2.

cc N/100 iodin solution reduced per 15 grams of sample, 192.8 (an increase of 31 per cent above good commercial eggs).

mg of ammonia per 100 grams of sample (ZnO method), 95.0 (an increase of 88.6 per cent above good commercial eggs).

mg of ammonia per 100 grams of sample (Folin's method by titration), 25.2 (an increase of 95 per cent above good commercial eggs).

mg of ammonia per 100 grams of sample (Folin's method by nesslerization), 45.3 (an increase of 200 per cent above good commercial eggs).

All results are calculated to moisture-fat free basis.

Remarks: The results indicate that the sample is decomposed.

Sample 2–A.

10,000,000 organisms per gram, plain agar, at 25° C.
80,000,000 organisms per gram, plain agar, at 37° C.
1,000,000 *B. coli* group per gram.

The results of this analysis indicate that the product consisted in part of some form of decomposed or rotten egg, or that the product was packed from eggs under dirty conditions and that fecal matter from the shells of the eggs or filth in the containers or careless handling badly contaminated the product.

Adulteration of the product was alleged in the information for the reason that it consists in part of a filthy, decomposed, and putrid animal substance.

On June 30, 1913, a plea of guilty to the information was entered on behalf of the defendant firm and the court imposed a fine of $50.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *March 30, 1914.*

3007. Adulteration and misbranding of vanilla extract. U. S. v. Bernhard Hernhuter (Purity Vanilla Co.). Plea of guilty. Fine, $20. (F. & D. No. 4919. I. S. No. 18703–d.)

On June 17, 1913, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Bernhard Hernhuter, doing business under the name and style of Purity Vanilla Co., New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on January 21, 1912, from the State of New York into the State of Connecticut, of a quantity of so-called vanilla extract which was adulterated and misbranded. The product was labeled: "The Purity Vanilla Co. Laboratory Astoria, L. I. Three Star Brand Vanilla Extract & Beans, Fruit Oils, Rosemal, etc. Pure Vanilla Guaranteed absolutely pure food by the Purity Vanilla Co. High Grade, rich and strong." Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Vanillin (per cent)	0.35
Coumarin	None.
Alcohol (per cent)	36.40
Resins: Very heavy.	
Lead number	0.44
Reducing sugars (per cent)	1.55
Color: Natural.	
Sucrose (per cent)	15.5
Total solids (per cent)	19.85
Ash (per cent)	0.29
Reducing sugars before inversion (per cent)	0.97
Sucrose by reduction (per cent)	16.44
Nonsugar solids (per cent)	3.4
Alkalinity of ash (cc N HCl per 1 gram)	11.9
Color insoluble in amyl alcohol (per cent)	21.0

Adulteration of the product was alleged in the information for the reason that there was mixed and packed with it, so as to reduce and lower and injuriously affect its quality and strength, another substance, to wit, artificial vanillin, and, further, in that there was substituted in part for the genuine article another substance, artificial vanillin. Misbranding was alleged for the reason that the product was branded and labeled as aforesaid, so as to deceive and mislead the purchaser thereof, in that said label regarding the article and the ingredients and substances contained therein was false and misleading in that said label would indicate that the article was a pure

vanilla extract, whereas, in truth and in fact, it was not a pure vanilla extract, but was a mixture of vanilla extract and artificial vanillin.

On October 31, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of $20.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *March 30, 1914.*

3008. Alleged adulteration and misbranding of wheat bran. U. S. v. 250 Sacks of So-called Wheat Bran. Product released on bond. Order of dismissal. (F. & D. No. 4921. S. No. 1633.)

On December 27, 1912, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 250 sacks, each containing a product purporting to be wheat bran, remaining unsold in the original unbroken packages and in possession of G. F. Hill & Co., Gladstone, N. J., alleging that the product had been shipped on or about November 25, 1912, by the Northwestern Consolidated Milling Co., Minneapolis, Minn., and transported from the State of Minnesota into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "For drawback, The Northwestern Consolidated Milling Co. 100 lbs. pure wheat bran. Minimum crude protein 14.05%. Minimum Crude fat 4.00%. Minimum Crude Fibre 11.00%. Minneapolis U S A." It was alleged in the libel that a substance, to wit, screenings, had been mixed and packed with the bran in such a manner as to reduce and lower and injuriously affect its quality and strength, and, further, that a substance, to wit, screenings, had been substituted in part for said wheat bran. It was also alleged in the libel that the bran was an imitation and was offered for sale under the distinctive name of another article, that is to say, under the name of pure wheat bran, the same not being pure wheat bran as stated thereon, and, further, that said product being labeled "Pure wheat bran," was so labeled as to deceive and mislead the purchaser, in that the packages containing the product and the labels thereon bore a statement regarding the ingredients and substances contained therein, which statement was false and misleading, in that said product was not pure wheat bran, but was a mixture and packed with at least 3 per cent of added screenings. It was further alleged that the bran was intended for consumption as food, and that it was adulterated and misbranded, in that said labels were intended and calculated to deceive and mislead the purchaser thereof.

Thereafter the following stipulation was entered into between counsel for libelant and for the Northwestern Consolidated Milling Co., claimant:

Whereas the above entitled action is pending in the District Court of the United States for the District of New Jersey, and,

Whereas the Northwestern Consolidated Milling Company, a Minnesota corporation, doing business at Minneapolis, Minnesota, has appeared as claimant in said action, and,

Whereas the said claimant wishes to release the said so-called wheat bran under the terms, conditions, and provisions of section 10 of the Food and Drugs Act of June 30, 1906, as amended August 23, 1912, and all other amendments thereto, if any there be, and to that end wishes to give a bond as required by said act and to release said bran and to have the said cause dismissed,

The said claimant herein having filed a satisfactory bond as provided by section 10 of the Food and Drugs Act of June 30, 1906, as amended August 23, 1912.

It is hereby stipulated and agreed by and between the parties hereto through their respective attorneys that the above entitled action is hereby dismissed and the said bran released from seizure.

On January 19, 1914, it appearing to the court that a satisfactory bond had been filed by the claimant and that the stipulation set forth above had been entered into between

the libelant and claimant for the dismissal of the cause, it was ordered that the product should be delivered forthwith to the owner thereof and that the cause should be dismissed.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *March 30, 1914.*

3009. Misbranding of catsup. U. S. v. Alart & McGuire. Plea of guilty. Fine, $25. (F. & D. No. 4924. I. S. Nos. 17193-d, 17194-d, 17195-d, 22320-d.)

On June 17, 1913, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Alart & McGuire, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act:

(1) On March 20, 1912, from the State of New York into the State of Louisiana, of a quantity of catsup which was misbranded. This product was labeled: "Gold Seal 48 High Grade Catsup. Alart & McGuire, N. Y. Prepared with Benzoate of Soda about 1/5 of 1%. Guaranteed by Alart & McGuire under the Food and Drugs Act, June 30, 1906. Serial No. 1281-a."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed that it contained much more benzoate of soda than stated on the label. Misbranding of the product was alleged in the information for the reason that the label thereon bore the statement, "Prepared with Benzoate of Soda about 1/5 of 1%," regarding the ingredients and substances contained in the article, which said statement was false and misleading, in that, in truth and in fact, the article contained a larger amount of benzoate of soda, and, in fact, contained between 0.435 per cent and 0.458 per cent.

(2) On March 20, 1912, from the State of New York into the State of Louisiana, of a quantity of catsup which was misbranded. This product was labeled: "Gold Seal —50— High Grade Catsup—Alart & McGuire, N. Y.—Prepared with Benzoate of Soda about 1/5 of 1%. Guaranteed by Alart & McGuire under the Food and Drugs Act, June 30, 1906. Serial #1281."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it contained much more benzoate of soda than stated on the label. Misbranding of the product was alleged in the information for the reason that the label thereof bore the statement, "Prepared with Benzoate of Soda about 1/5 of 1%," regarding the ingredients and substances contained therein, which said statement was false and misleading, in that the article contained a larger percentage of benzoate of soda, and, in fact, contained 0.354 per cent.

(3) On March 29, 1912, from the State of New York into the State of Alabama, of a quantity of ketchup which was misbranded. This product was labeled: "Gold Seal Trade Mark Trade Mark Reg. U. S. Pat. Office Guaranteed under the Food and Drugs Act, June 30, 1906. Serial 1281. Contains 1/10 of 1% Benzoate of Soda, Alart & McGuire, New York. Highest Grade Gold Seal Tomato Ketchup. Manufactured from only fresh ripe tomatoes, celebrated for retaining the natural flavor combined with a delicious piquancy of spice found in no other brand. Alart & McGuire, New York, U. S. A."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed that it contained much more benzoate of soda than stated on the label. Misbranding of the product was alleged in the information for the reason that the label thereon bore the statement, "Contains 1/10 of 1% Benzoate of Soda," regarding the ingredients and substances contained therein, which said statement was false and misleading, in that the article contained more than one-tenth of 1 per cent benzoate of soda, and, in fact, contained 0.378 per cent of benzoate of soda.

On June 23, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of twenty-five dollars ($25).

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *March 30, 1914.*

3010. Misbranding of candy. U. S. v. A. Marcopoulou. Plea of guilty. Sentence suspended. (F. & D. No. 4925. I. S. No. 21913-d.)

On June 17, 1913, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against A. Marcopoulou, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on May 21, 1912, from the State of New York into the State of Illinois, of a quantity of candy which was misbranded. The product was labeled with Greek characters in the Greek language.

Examination of a sample of the product by the Bureau of Chemistry showed it to be a species of gum drops. It was observed in connection with the examination that the product was labeled in such a manner as to convey the impression that it was of foreign manufacture. Misbranding of the product was alleged in the information, for the reason that the package in which it was shipped bore statements, designs, and devices regarding the article which were false and misleading in that said statements, designs, and devices would indicate that the article was a foreign product, to wit, a product of Greece, when it was not so, but was a product of the United States. Misbranding was alleged for the further reason that the product was falsely branded as to the country in which it was manufactured, the article being branded to indicate that it was manufactured in Greece, whereas, in truth and in fact, it was manufactured in the United States. Misbranding was alleged for the further reason that the product purported to be a foreign product, to wit, a product of Greece, when it was not so, but was a product of the United States.

On October 14, 1913, the defendant entered a plea of guilty to the information, and the court suspended sentence.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3011. Adulteration and misbranding of walnuts. U. S. v. 25 Bags of Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 4931. S. No. 1635.)

On December 31, 1912, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 bags of walnuts remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by R. U. Delapenha & Co., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled, in part, "Rudco, New York, Walnuts, Extra Quality, France." Adulteration of the product was alleged in the libel for the reason that it consisted in part of filthy, decomposed, and putrid vegetable substance. Misbranding was alleged for the reason that the food and the package and label thereof bore a certain statement, design, and device regarding the food and the ingredients and substances contained therein, to wit, the words "Walnuts, Extra Quality," printed thereon, which was false and misleading in a certain particular, that is to say, because said statement, design, and device would deceive and mislead a purchaser into the belief that the food consisted of a food of extra quality, whereas, in truth and in fact, it did not consist of a food of extra quality.

On January 15, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3012. Adulteration of walnuts. U. S. v. 20 Bags of Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 4932. S. No. 1636.)

On December 31, 1912, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 bags of walnuts, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by William Hills, jr., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The containers of the product were branded: "Noix Degrenoble Syndicat Tullins France S T Polished." Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On January 15, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3013. Adulteration and misbranding of egg noodles. U. S. v. Ohio Egg Noodle & Macaroni Co. Plea of nolo contendere. Fine, $10 and costs. (F. & D. No. 4934. I. S. No. 2605–e.)

On March 12, 1913, the United States attorney for the Northern district of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ohio Egg Noodle & Macaroni Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 24, 1912, from the State of Ohio into the State of New York, of a quantity of egg noodles, which were adulterated and misbranded. The product was labeled: (Principal label) "Columbiana Egg Noodles Medium Trade Mark Registered." (Side label) "Columbiana Egg Noodles Columbiana egg Noodles strictly imported Italian Style, is manufactured wholly by most modern methods in machinery and packed under our Columbiana Brand, to meet, in the utmost, every sanitary requirement. Absolute superiority is our watchword, maintained since 1893. Ohio Egg Noodle & Macaroni Company, Cleveland, O." (Other side)—Directions. (One end) "Serial No. 25084 Guaranteed by Ohio Egg Noodle & Macaroni Co., Cleveland, O. under the Food and Drugs Act, June 30, 1906." (Other end) "Columbiana Egg Noodles." Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results: Ether extract (per cent), 0.46; lecithin phosphoric acid (P_2O_5) (per cent), 0.027. The product contained but a very small amount of egg. Adulteration of the article was alleged in the information for the reason that a product containing an inappreciable amount of egg had been substituted wholly or in part for the product containing an appreciable amount of egg which the article purported to be. Misbranding was alleged for the reason that the statement "Egg Noodles," borne on the label, was false and misleading, in that it conveyed the impression that it was a product containing a substantial amount of egg, whereas, in truth and in fact, it was a product containing but a very small amount of egg, the amount not being sufficient to impart an egg character to the product. Misbranding was alleged for the further reason that the product was labeled and branded so as to mislead and deceive the purchaser, being labeled "Egg Noodles,"

thereby conveying the impression that the product contained a substantial amount of egg, whereas, in truth and in fact, it contained a very small amount of egg, the amount not being sufficient to impart an egg character to the product.

On May 24, 1913, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $10 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3014. Adulteration and misbranding of "Corn Chop." U. S. v. Twenty-five Sacks Corn Chop. Decree of condemnation. Product ordered sold. (F. & D. No. 4935. S. No. 1637.)

On December 31, 1912, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 sacks, each containing approximately 90 pounds of "corn chop," remaining unsold in the original unbroken packages and in the possession of D. Kugleman & Co., Pensacola, Fla., alleging that the product had been shipped by the Western Grain Co., Kansas City, Mo., and transported from the State of Missouri into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "R. J. House and Co. Ninety Lbs. Pure Corn Chop. Kansas City, Mo." Adulteration of the product was alleged in the libel for the reason that it was labeled as set forth above, denoting the contents of each of the sacks, whereas, in fact, the sacks did not contain pure corn chop, but contained 4.27 per cent of sand, wherefore it was alleged in the libel that the product was adulterated within the meaning of section 7, paragraphs 1 and 2, of the Food and Drugs Act, June 30, 1906, and also misbranded within the meaning of section 8, first general paragraph, of said act.

On May 26, 1913, no claimant having appeared for the property, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3015. Adulteration and misbranding of coffee. U. S. v. R. W. Wilmore (Republic Coffee Company). Plea of guilty. Fine, $100. (F. & D. No. 4937. I. S. No. 36755-e.)

At the April, 1913, term of the District Court of the United States for the Western District of Texas, the grand jury of the United States, within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against R. W. Wilmore, doing business in the city of El Paso, Tex., under the name of the Republic Coffee Company, charging shipment by said defendant, in violation of the Food and Drugs Act, on June 15, 1912, from the State of Texas into the State of Arizona, of a quantity of coffee, which was adulterated and misbranded. The product was labeled: (On wrapper) "Rajah Coffee" "Republic Coffee Company, El Paso, Texas"; (On seal) "This seal a guarantee of purity. Republic Coffee Company."

Examination of a sample of the product by the Bureau of Chemistry of this department showed it to be a mixture of ground coffee and chicory, about 95 per cent coffee and about 5 per cent chicory. The coffee used appeared to be a medium grade of Santos. There was no reference to chicory on the label. The examination showed that the coffee used in the product was not grown in the East. Adulteration of the product was charged in the indictment for the reason that said article was a substance that had been substituted in part for coffee in a percentage not exactly known, but it was approximately 5 per cent of chicory. Misbranding was charged for the reason that the brands on the product, to wit, "Rajah Coffee" and "This seal a guarantee of

purity," were false and misleading in that they indicated and purported to indicate that the article was coffee, whereas, in truth and in fact, it was not coffee but was a mixture of coffee and chicory, the exact proportions of the coffee and the chicory being unknown, but which was approximately 5 per cent of chicory and 95 per cent of coffee, and the product was further misbranded for the reason that it was branded so as to deceive and mislead any purchaser desiring to purchase the same. Misbranding was charged for the further reason that the product was branded "Rajah Coffee," as aforesaid, and indicated and purported to indicate that the coffee had been theretofore produced in a foreign country in Asia, to wit, India, whereas, in truth and in fact, the coffee had not been theretofore produced in said India, but had been, in truth and in fact, produced in a foreign country in South America, to wit, Brazil.

On April 17, 1913, the defendant entered a plea of guilty to the indictment, and the court imposed a fine of $100.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3016. Adulteration and misbranding of vanilla extract. U. S. v. Blanke-Baer Chemical Co. Plea of nolo contendere. Fine, $20 and costs. (F. & D. No. 4940. I. S. No. 36926-e.)

On November 4, 1913, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Blanke-Baer Chemical Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 2, 1912, from the State of Missouri into the State of Ohio, of a quantity of alleged vanilla extract which was adulterated and misbranded. The product was labeled: "10 Gal. Blanke-Baer Company. Vanilla Extract. Imit. St. Louis, Mo." "Excelsior Candy Co., Cleveland, Ohio. 104 Woodland Ave."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Ethyl alcohol (per cent by volume)	16.20
Methyl alcohol	None.
Coloring matter: No caramel; vanilla color present.	
Vanillin (per cent by weight)	0.30
Coumarin (per cent by weight)	0.30
Vanilla resins by dealcoholizing: Very slight.	
Winton lead number	0.18

Adulteration of the product was alleged in the information for the reason that a dilute solution of alcohol, artificially colored and containing artificial vanillin and coumarin, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength; and further in that a dilute solution of alcohol, artificially colored and containing artificial vanillin and coumarin, had been substituted wholly or in large part for the vanilla extract, which the product purported to be; and further in that said product was colored in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the statement "Vanilla Extract" borne on the label aforesaid was false and misleading, because it conveyed the impression that the product was genuine vanilla extract, conforming to the commercial standard for such article, whereas, in truth and in fact, the product was not genuine vanilla extract, but was a dilute solution of alcohol, artificially colored and containing artificial vanillin and coumarin, prepared in imitation of vanilla extract, and said statement or abbreviation "Imit." which also appeared on the label was insufficient to correct and overcome the false impression conveyed by the said statement "Vanilla Extract"; and further in that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Vanilla Extract," thereby

creating the impression that the product was genuine vanilla extract, whereas, in truth and in fact, it was not genuine vanilla extract, but was a dilute solution of alcohol artificially colored and containing artificial vanillin and coumarin prepared in imitation of vanilla extract, and said statement or abbreviation "Imit." which appeared on the label as aforesaid was insufficient to correct the false impression conveyed by the statement "Vanilla Extract."

On December 12, 1913, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $20 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3017. Misbranding and alleged adulteration of peppermint extract. U. S. v. The Weideman Co. Plea of guilty to count 2 of information. Fine, $25 and costs. Count 1 nolle prossed. (F. & D. No. 4946. I. S. No. 23977-d.)

On March 12, 1913, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Weideman Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 13, 1911, from the State of Ohio into the State of New York, of a quantity of peppermint extract which was misbranded and alleged to have been adulterated. The product was labeled: (On one end of keg) "Peppermint." (In a circle around the edge of the keg) "Compounded with Grain Distillate." (Other printed matter) "Contains no poisonous drugs or other added poison. The Weideman Co., Cleveland, Ohio." (On reverse end of keg) "Formula Solution of Peppermint 800 Parts Hydro-Alcoholic Solution 2000 Parts Trace of Harmless Color." (On tag) "John Koch, Buffalo, N. Y. From The Weideman Company, W. 9th St. and Mandrake Ave. Cleveland, Ohio." Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity, 15.6°C./15.6°C	0.91385
Alcohol (per cent by volume)	60.40
Methyl alcohol (per cent by volume)	None.
Solids (grams per 100 cc)	0.75
Oil (by precipitation, Howard-Dodge) (per cent by volume)	0.85

Test for coal-tar color: Negative.

Adulteration of the product was alleged in the first count of the information for the reason that it was sold as peppermint extract and a substance, to wit, dilute alcohol, artificially colored with caramel, and containing only 0.80 per cent of peppermint oil, had been mixed and packed with it so as to reduce, or lower, or injuriously affect its quality or strength. Adulteration was alleged for the further reason that the product was invoiced and sold as peppermint extract and a substance, to wit, dilute alcohol, artificially colored with caramel, and containing only 0.80 per cent of peppermint oil, had been substituted wholly or in part for the article, peppermint extract. Adulteration was alleged for the further reason that the product was colored with caramel in a manner whereby its inferiority was concealed. Misbranding of the product was alleged in the second count of the information for the reason that the statement "Peppermint" borne on the label of the package in which it was offered for sale and sold was false and misleading, because it deceived and misled the purchaser into the belief that the product was genuine full-strength peppermint extract, whereas, in truth and in fact, it was not genuine full-strength peppermint extract, but was a dilute solution of alcohol, to which had been added a small amount of peppermint oil and artificial coloring matter. Misbranding was alleged for the further reason that the product was an imitation of peppermint extract manufactured from dilute alcohol, a small amount of peppermint oil, and artificially colored with caramel, and was offered for sale and sold under the distinctive name of peppermint extract.

Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled and branded "Peppermint," which form of labeling and branding would mislead and deceive the purchaser into the belief that the product was genuine peppermint extract, whereas, in truth and in fact, it was not genuine peppermint extract, but was an imitation peppermint extract manufactured from dilute alcohol, a small amount of peppermint oil, and artificial coloring matter. Furthermore, the statement "Compounded with Grain Distillate," borne on the label of the package in which the product was sold, did not correct the false impression conveyed by the word "Peppermint" borne on said label.

On March 14, 1913, the defendant company entered a plea of guilty to the second count of the information, charging misbranding, and the court imposed a fine of $25 and costs. The first count of the information, charging adulteration of the product, was nolle prossed. It will be noted that while it was alleged that the product contained 0.80 per cent of peppermint oil, the analysis showed it to contain 0.85 per cent of peppermint oil.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3018. Adulteration and misbranding of vinegar. U. S. v. Barrett & Barrett. Plea of guilty. Fine, $5. (F. & D. No. 4947. I. S. No. 7308-d.)

On June 5, 1913, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Barrett & Barrett, a corporation, St. Paul, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on November 16, 1911, from the State of Minnesota into the State of South Dakota, of a quantity of vinegar which was adulterated and misbranded. The product was labeled: "Made for Barrett & Barrett, Pure Apple Vinegar, 45 grains, St. Paul, Minn."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results, expressed in grams per 100 cc, except where otherwise stated:

Specific gravity, 15.6°/15.6° C.	1.0137
Alcohol (per cent by volume)	0.29
Glycerol	0.12
Solids	1.95
Nonsugar solids	1.18
Sucrose by copper	0
Reducing sugar direct as invert	0.88
Sugar in solids (per cent)	39.5
Polarization, direct, 20° C. (°V.)	−1.2
Ash	0.35
Alkalinity of soluble ash (cc N/10 acid 100 cc)	37.0
Soluble phosphoric acid (mg per 100 cc)	18.5
Insoluble phosphoric acid (mg per 100 cc)	10.5
Acid, as acetic	4.56
Volatile acid, as acetic	4.55
Fixed acid, as malic	0.01
Lead precipitate: Light.	
Color (degrees, brewer's scale, 0.5-inch)	6.0
Reducing sugar after inversion as invert	0.77
Reducing sugars direct after evaporation as invert	0.76
Color removed by fuller's earth (per cent)	40
Ratio to ash of nonsugars	1:3.37

Adulteration of the product was alleged in the information for the reason that it purported to be and was represented to be pure apple vinegar, whereas, in truth and in fact, it was not pure apple vinegar, but was a product in which another substance, to wit, a dilute solution of acetic acid and a product high in reducing sugars and mineral matter, mixed and prepared in imitation of genuine apple vinegar, had been mixed and packed with it so as to reduce, lower and injuriously affect its quality and strength, and further, for the reason that a substance, to wit, a dilute solution of acetic acid and a product high in reducing sugars and mineral matter, mixed and prepared in imitation of apple vinegar, had been substituted in part for the article, to wit, apple vinegar. Misbranding was alleged for the reason that the product so labeled and branded, as aforesaid, purported to be and was represented to be "Pure Apple Vinegar," whereas, in truth and in fact, it was composed of a dilute solution of acetic acid and a product high in reducing sugars and mineral matter which had been mixed and prepared in imitation of genuine apple vinegar and offered for sale and sold under the distinctive name of apple vinegar. Misbranding was alleged for the further reason that the product was so labeled and branded as to deceive and mislead the purchaser into the belief that it was made from the juice of apples, whereas, in truth and in fact, it was a product composed of a dilute solution of acetic acid, foreign ash material, and a product high in reducing sugars, which had been mixed and prepared in imitation of genuine apple vinegar.

On June 5, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of $5.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3019. Adulteration and misbranding of wine coca leaves; acetanilid and sodium bromide compound tablets; "Anti-vomit Tablets;" aspirin tablets. Misbranding of bismuth and calomel compound tablets. Adulteration and misbranding of cold tablets; quinine laxative tablets; salol tablets; sodium salicylate tablets. U. S. v. William A. Webster Co. Plea of guilty. Fine, $10 and costs. (F. & D. No. 4948. I. S. Nos. 14861-d, 14862-d, 14865-d, 14866-d, 14870-d, 14873-d, 14875-d, 14878-d, 14879-d.)

On September 3, 1911, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the William A. Webster Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on December 13, 1911, from the State of Tennessee into the State of Mississippi:

(1) Of a quantity of a product purporting to be wine coca leaves, which was adulterated and misbranded. The product was labeled: "Wine Coca Leaves. Dose—1 to 4 teaspoonful. Alcohol 25%" (written in ink). "Guaranteed under Pure Food and Drugs Act of June 30, 1906. Serial No. 24830, by the Wm. A. Webster Co., Pharmaceutical Manufacturers, Memphis, Tenn." (printed). Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent)	32.2
Cocain: Present.	
Glycerin: Present.	
Nonvolatile matter at 100° C. (per cent) about	22.3

Adulteration of the product was alleged in the information for the reason that it was a hydroalcoholic preparation, containing cocain and glycerin and 32.2 per cent of alcohol by volume. Misbranding was alleged for the reason that the statement "Alcohol 25%," borne on the label, was false and misleading, because it conveyed the impression that the product contained 25 per cent of alcohol, whereas, in truth and in fact, it contained a much greater amount of alcohol, to wit, 32.2 per cent; and was fur-

ther misbranded in that it contained cocain, and the package containing said product failed to bear a statement on the label of the quantity or proportion of cocain therein contained.

(2) Of a quantity of acetanilid and sodium bromid compound tablets, which were adulterated and misbranded. This product was labeled: "500 tablets Acetanilid and Sodium Bromide Compound. Acetanilid 3½ grs. Sodium Bicarb. 9/10 Gr. Sodium Bromide 1/10 gr. Caffeine Citrated ½ gr. Dose—1 to 2 tablets every hour as required. Guaranteed by the Wm. A. Webster Co., under the Food and Drugs Act of June 30, 1906. The Wm. A. Webster Co., Pharmaceutical Manufacturers, Memphis, Tenn." Analysis of a sample of the product by said Bureau of Chemistry showed the following results:

One average tablet contains:

Acetanilid (grains)	2.94
Sodium bicarbonate (grains)	0.69
Citrated caffein (grains)	0.58

Sodium bromid: Present.
Cornstarch: Present.

Adulteration of this product was alleged in the information for the reason that its strength fell below the professed standard under which it was sold, to wit, "Acetanilid 3½ grs.," when, in truth and in fact, the tablets each contained a much less amount of acetanilid. Misbranding was alleged for the reason that the statement "500 tablets Acetanilid and Sodium Bromide Compound; Acetanilid 3½ grs.," borne on the label, was false and misleading, because it created the impression that each tablet contained 3½ grains acetanilid, whereas, in truth and in fact, the tablets contained much less than 3½ grains of acetanilid; and misbranding was alleged for the further reason that the package failed to bear on the label the quantity or proportion of acetanilid contained therein in type sufficiently large to comply with paragraph (*c*) of regulation 17, of the Rules and Regulations for the Enforcement of the Food and Drugs Act.

(3) Of a quantity of "Antivomit tablets" which were adulterated and misbranded. This product was labeled: "500 Tablets—Anti-Vomiting Bismuth Subnit. 2½ grs. Cerium Oxalate 2½ grs. Cocaine Hydrochlor 1/12 gr. Dose—1 tablet which may be repeated in ½ hour. Guaranteed by the Wm. A. Webster Co. under the Food and Drugs Act of June 30, 1906. The Wm. A. Webster Co. Pharmaceutical Manufacturers, Memphis, Tenn." Analysis of a sample of the product by said Bureau of Chemistry showed the following results:

One average tablet contains:

Bismuth subnitrate (grains)	1.76
Cerium oxalate (grains)	1.78
Cocain hydrochloride (grains)	0.0637

Cornstarch: Present.

Adulteration of the product was alleged in the information, for the reason that it fell below the professed standard under which it was sold, to wit, "Bismuth Subnit. 2 grs. Cerium Oxalate 2½ grs. Cocaine Hydrochlor 1/12 gr.," when, in truth and in fact, said tablets each contained a much less amount of said ingredients. Misbranding was alleged for the reason that the statements "Bismuth Subnit. 2½ grs. Cerium Oxalate 2½ grs. Cocaine Hydrochlor 1/12 gr." borne on the label were false and misleading, because they conveyed the impression that the product contained said amounts of bismuth subnitrate, cerium oxalate, and cocain hydrochloride, whereas, in truth and in fact, the product contained a less amount of each of said ingredients. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of cocain hydrochloride contained therein in type sufficiently large to comply with paragraph (*c*), regulation 17, of the Rules and Regulations for the Enforcement of the Food and Drugs Act.

(4) Of a quantity of aspirin tablets which were adulterated and misbranded. This product was labeled: "500—5-gr. tablets Aspirin Monoaceticacidester of Salicylic Acid, the well-tolerated substitute for the Salicylates indicated in all diseases where Sodium Salicylates or Salicylic Acid is indicated and identical in effect, but free from gastric disturbances and unattended with the unpleasant effect of the Salicylates upon the heart and nervous system. Aspirin has proved of inestimable value in the treatment of Muscular Rheumatism, Influenza, Tonsilitis, Pleurisy and as an Anæsthetic in painful affections, Sciatica and other Neuralgias. Dose—8 to 15 grs. 3 or 4 times daily. The Wm. A. Webster Co. Pharmaceutical Manufacturers, Memphis, Tenn." Analysis of a sample of the product by said Bureau of Chemistry showed the following result:

One average tablet contains:
Aspirin (grains)..... 3.82

Adulteration of the product was alleged in the information for the reason that it fell below the professed standard under which it was sold, to wit, "5 grains Aspirin," whereas, in truth and in fact, it contained a much less amount of said ingredient. Misbranding was alleged for the reason that the statement "500 5-gr. Tablets Aspirin," borne on the label, was false and misleading, because it conveyed the impression that the product contained 5 grains of aspirin per tablet, whereas in truth and in fact it contained a much less amount of said ingredient.

(5) Of a quantity of bismuth and calomel tablets which were misbranded. This product was labeled, "Tablets Bismuth and Calomel Compound, Calomel, 1/10 gr.; bismuth Subnit., 1/10 gr.; Milk Sugar, 2/5 gr. Guaranteed under the Pure Food and Drugs Act June 30, 1906. The Wm. A. Webster Co., Pharmaceutical Manufacturers, Memphis, Tenn." Analysis of a sample of the product by said Bureau of Chemistry showed the following results:

One average tablet contains:
Calomel (grain)..... 0.22
Bismuth subnitrate (grain)..... 0.22
Cornstarch: Present.

Misbranding of the product was alleged in the information for the reason that the statements "Calomel 1/10 gr." and "Bismuth Subnit. 1/10 gr." borne on the label were false and misleading, because they created the impression that the product contained one-tenth grain of calomel and one-tenth grain of bismuth subnit., whereas in truth and in fact it contained a much greater amount of calomel and a greater amount of bismuth subnit.

(6) Of a quantity of cold tablets which were adulterated and misbranded. This product was labeled "500 Tablets Cold, No. 3 Quinine Sulphate 2 grs., Dovers Powders, 2 grs. Capsicum ¼ gr.; Tr. Aconite 1 min. Dose—1 tablet 3 or 4 times a day. Guaranteed by the Wm. A. Webster Co., under the Food and Drugs Act of June 30, 1906. The Wm. A. Webster Co., Pharmaceutical Manufacturers, Memphis, Tenn." Analysis of a sample of the product by said Bureau of Chemistry showed the following results:

One average tablet contains:
Alkaloids, total anhydrous (grains): 1.57.
Ipecac powder: Present.
Morphine: Present.
Capsicum: Present.
Quinine sulphate: Present.
Aconite: Too small to detect.

Adulteration of the product was alleged in the information for the reason that its strength fell below the professed standard under which it was sold, to wit, "2 grs.

Quinine sulphate," whereas, in truth and in fact, said product contained a much less amount of quinin sulphate. Misbranding was alleged for the reason that the statement "Quinine Sulphate 2 grs." borne on the label was false and misleading, because it conveyed the impression that the product contained 2 grains of quinin sulphate, whereas, in truth and in fact, it contained a much less amount of said ingredient. Misbranding was alleged for the further reason that the package failed to bear a statement on the label thereof of the quantity and proportion of opium contained therein. (The charge that the strength of the product "fell below the professed standard under which it was sold," was based on erroneous report by this department. As a matter of fact, according to the analysis made, each tablet of the product contained 2 grains of quinin sulphate.)

(7) Of a quantity of quinine laxative tablets which were adulterated and misbranded. This product was labeled: "500 Tablets. Quinine Laxative. Guaranteed under Pure Food and Drugs Act June 30, 1906. Quinine Sulphate 1 gr.; Acetanilid 2 grs.; Tr. Gelsemium 1 M.; Aloin 1/20 gr.; Podophyllin 1/40 gr.; Powd. Capsicum 1/4 gr. The Wm. A. Webster Co., Pharmaceutical Manufacturers, Memphis, Tenn." Analysis of a sample of the product by said Bureau of Chemistry showed the following result:

Acetanilid in one average tablet (grains)..... 1.69

Adulteration of the product was alleged in the information for the reason that its strength fell below the professed standard under which it was sold, to wit, "Acetanilid 2 grs.," when, in truth and in fact, it contained a much less amount of said ingredient. Misbranding was alleged for the reason that the statement "Acetanilid 2 grs.," borne on the label, was false and misleading, because it conveyed the impression that the product contained 2 grains of acetanilid, whereas, in truth and in fact, it contained a much less amount of said ingredient. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity and proportion of acetanilid contained therein in type sufficiently large to comply with paragraph (*c*) of regulation 17 of the Rules and Regulations for the Enforcement of the Food and Drugs Act.

(8) Of a quar tity of salol tablets which were adulterated and misbranded. This product was labeled: "500 Tablets Salol. 2½ gr. Intestinal Antiseptic and Antipyretic. Dose—1 tablet every 2 or 3 hours. Guaranteed by Wm. A. Webster Co., under the Food and Drugs Act of June 30, 1906. The Wm. A. Webster Co., Pharmaceutical Manufacturers, Memphis, Tenn." Analysis of a sample of the product by said Bureau of Chemistry showed the following result:

One average tablet contained:

Salol (grains)..... 2.05

Adulteration of the product was alleged in the information for the reason that its strength fell below the professed standard under which it was sold, to wit, "Salol 2½ grains," when, in truth and in fact, the product contained a much less amount of said ingredient. Misbranding was alleged for the reason that the statement "Salol 2½ grs.," borne on the label, was false and misleading, because it conveyed the impression that the product contained 2½ grains of salol, whereas, in truth and in fact, it contained a much less amount of said ingredient.

(9) Of a quantity of sodium salicylate tablets which were adulterated and misbranded. This product was labeled: "500 Tablets Sodium Salicylate 5 grs. Analgesic and anti-Rheumatic. Dose—1 to 2 tablets 3 or 4 times daily. Guaranteed by the Wm. A. Webster Co., under the Food and Drugs Act of June 30, 1906. The Wm. A. Webster Co., Pharmaceutical Manufacturers, Memphis, Tenn." Analysis of a sample of the product by said Bureau of Chemistry showed the following result:

One average tablet contained:

Sodium salicylate (grains)..... 3.88

Adulteration of the product was alleged in the information for the reason that its strength fell below the professed standard under which it was sold, to wit, "5 grains Sodium Salicylate," when, in truth and in fact, it contained a much less amount of said ingredient. Misbranding was alleged for the reason that the statement "Sodium Salicylate 5 grains," borne on the label, was false and misleading, because it conveyed the impression that the product contained 5 grains sodium salicylate, whereas, in truth and in fact, it contained a much less amount of said ingredient.

On October 21, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10, with costs of $12.95.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 23, 1914.*

3020. Adulteration and misbranding of mace. U. S. v. C. A. Murdock Mfg. Co. Plea of guilty. Fine, $10 and costs. (F. & D. No. 4949. I. S. No. 36721-e.)

On March 13, 1913, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against C. A. Murdock Mfg. Co., a corporation, Kansas City, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 10, 1912, from the State of Missouri into the State of Oklahoma, of a quantity of mace which was adulterated and misbranded. The product was labeled: "Murdock's One oz. Pure Tropical Mace C. A. Murdock Mfg. Co. Kansas City. Prepared Mustard, Opt Baking Powder, Laundry Bluing, Coffees, etc."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Nonvolatile ether extract (per cent)	27.86
Ash (per cent)	1.77
Ash insoluble in hydrochloric acid (per cent)	0.06
Crude fiber (per cent)	3.58

Hefelmann's test for Bombay mace: Positive.
Waage's test for Bombay mace: Positive.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, Bombay mace, had been substituted in whole or in part for real mace. Misbranding was alleged for the reason that the packages containing the product bore the statement on the label, "Pure Tropical Mace," which said statement was false and misleading, because it deceived the purchaser and the public generally into the belief that the product was composed entirely of a spice mace, when, as a matter of fact, it was composed in part of Bombay mace, an article having very little spice value. Misbranding was alleged for the further reason that each of the packages was labeled and branded so as to deceive and mislead the purchaser, it being stated on the labels that the product was pure tropical mace, which said statement misled and deceived the purchaser into the belief that the product was composed entirely of a spice mace, whereas it was composed in part of Bombay mace, a product having very little spice value.

On August 20, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3021. Misbranding of sardines. U. S. v. 38 Cases of Sardines. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 4971. S. No. 1643.)

On January 10, 1913, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 38 cases of

sardines remaining unsold in the original unbroken packages and in possession of the Schuhmacher Co., Houston, Tex., alleging that the product had been shipped from the State of Massachusetts into the State of Texas, and charging misbranding, in violation of the Foods and Drugs Act. The product was labeled: (On cases) "48 cans Size ¼. Federal Sardines in Mustard. Packed by Lubec Sardine Co., Lubec Maine." (On cans) "Federal, average net weight 11 ounces, American Sardines Packed in Mustard Sauce made from selected mustard seed, vinegar, Cayenne pepper, salt and colored with turmeric. Packed at Lubec Washington Co., Maine by Lubec Sardine Co., Factories at Lubec and Belfast, Me. Serial 8117."

Examination of samples of the product by the Bureau of Chemistry of this department showed that the contents of the cans were 9.9 ounces on the average. Misbranding of the product was alleged in the libel for the reason that the cases, and the cans contained therein, did not contain, as they purported to contain, more than 9.9 ounces of sardines, and the labeling of the cans as containing 11 ounces of sardines was misleading and false, so as to deceive and mislead the purchaser as to the contents of the cans, and the offering for sale of said cans and cases of sardines, branded as aforesaid, was a deceit and a misbranding within the meaning of the act aforesaid.

On February 25, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal, after relabeling the cans as containing 9.9 ounces of sardines, and that the costs of the proceedings should be paid out of the proceeds of the sale, and, if said proceeds were insufficient, the costs should be adjudged against said Schuhmacher Co. It was ordered, further, by the decree that the said Schuhmacher Co. might at any time before the sale pay all costs and execute bond in the sum of $200 in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3022. Adulteration of prunes. U. S. v. 43 Boxes of Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 4972. S. No. 1644.)

On January 9, 1913, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 43 boxes of prunes remaining unsold in the original unbroken packages and in the possession of Palmer & Pierce, New York, N. Y., alleging that the product had been shipped on or about January 4, 1913, by D. M. Welch & Son, New Haven, Conn., and transported from the State of Connecticut into the State of New York, and charging adulteration, in violation of the Food and Drugs Act. Adulteration of the product was alleged in the libel for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance, to wit, decayed prunes.

On July 2, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3023. Misbranding of brandy. U. S. v. 9 Cases of Brandy. Default decree of condemnation and forfeiture. Goods ordered released on bond. (F. & D. No. 4973. S. No. 1646.)

On January 22, 1913, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 cases, each containing 12 bottles of so-called cognac brandy, remaining unsold in the original unbroken packages and in possession of Nicolini & Vaiani, Galveston, Tex., alleging

that the product had been shipped by Loewenthal Strauss Co., on or about April 9, 1912, and transported from the State of Ohio into the State of Texas, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Monacco Brand—Liqueurs—Cognac—The L. S. Co.—Trade Mark—This case contains 12 bott. 5 to gal." (On bottles) "Monacco Brandy—Blend—Cognac—Type." Misbranding of the product was alleged in the libel for the reason that it was labeled as set forth above, whereas, in truth and in fact, it was not genuine cognac brandy, but an imitation thereof. It was alleged that the labels were so constructed that the words "Monacco Brand Cognac" were in prominent type, while the words "Blend" and "Type," modifying the above, were inconspicuously displayed in small type, so that the whole effect was false and misleading and would mislead the purchaser to believe that the product was a cognac brandy and not an imitation.

On June 20, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that upon filing bond required by law and paying the costs of the proceedings by the owners, the said Loewenthal Strauss Co., that the United States marshal be directed to release the product to said owners.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3024. Adulteration of tomato pulp. U. S. v. 50 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 4982. S. No. 1647.)

On January 14, 1913, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on January 28, 1913, an amended libel, for the seizure and condemnation of 50 cases, each containing 4 dozen cans of tomato pulp, remaining unsold in the original unbroken packages and in possession of Sackler Bros., Brooklyn, N. Y., alleging that the product had been shipped on or about December 9, 1912, by William P. Andrews, Wingate Point, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Asquith Brand—Packed by William P. Andrews, Crapo, Md.—Tomato Pulp—Contents Weigh 9 oz. or over."

Adulteration of the product was alleged in the libel for the reason that it consisted wholly or in part of a filthy, putrid, and decomposed vegetable substance.

On February 17, 1913, no claimant having appeared for the property, judgment of condemnation, forfeiture, and destruction was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3025. Adulteration and misbranding of olive oil. U. S. v. G. Lo Calio et al. (G. Lo Calio & Co.). Plea of guilty. Fine, $30. Sentence suspended as to one defendant. (F. & D. No. 4983. I. S. No. 18755-d.)

On June 23, 1913, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George Lo Calio, Joseph Lo Calio, and Joseph Spitleri, doing business under the firm name and style of G. Lo Calio & Co., New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on December 27, 1911, from the State of New York into the State of Pennsylvania, of a quantity of so-called olive oil which was adulterated and misbranded. The product was labeled: "Extra Fine Olive Oil Lucca Italy. Olio d'oliva. Torricelli Brand Marca Depositata."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Strong qualitative test for cottonseed oil.
Specific gravity, 15.5° C..... 0.919
Refractive index at 25° C..... 1.4688
Iodin number..... 95.5
Sesame oil test: Negative.

Adulteration of the product was alleged in the information for the reason that there was mixed and packed with said article, so as to reduce and injuriously affect its quality and strength, another article, to wit, cottonseed oil, to the extent of 30 to 40 per cent. Adulteration was alleged for the further reason that there was substituted in part for the genuine article, olive oil, another article, to wit, cottonseed oil, to the extent of 30 to 40 per cent. Misbranding was alleged for the reason that the product was labeled as aforesaid, so as to deceive and mislead the purchaser thereof in that the aforesaid label regarding the article and ingredients and substances contained therein was false and misleading, in that said label would indicate that the article was Italian olive oil, whereas, in truth and in fact, said article was a mixture of olive oil and cottonseed oil. Misbranding was alleged for the further reason that the product purported to be a foreign product when it was not so, but was a product of the United States.

On July 1, 1913, the two defendants, George Lo Calio and Joseph Lo Calio, entered pleas of guilty to the information, and the court assessed a fine of $15 against each defendant. Sentence was suspended by the court as to the defendant Joseph Spitleri.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3026. Adulteration and misbranding of ice cream. U. S. v. Furnas Ice Cream Co. Plea of nolo contendere. Fine, $15 and costs. (F. & D. No. 4988. I. S. No. 36234-e.)

On May 7, 1913, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Furnas Ice Cream Co., a corporation, Columbus, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on August 22, 1912, from the State of Ohio into the State of West Virginia, of a quantity of an article purporting to be vanilla ice cream, which was adulterated and misbranded. The product was labeled: (On paper wrapper) "Our factory is without doubt the most modern and sanitary in the Middle West. The Furnas Ice Cream Co. * * * Columbus, Ohio. Sometimes salt water will get on top of the cream * * * When can is empty rinse well * * *." (On tag) "East End Pharmacy, Bluefield, W. Va. 5 gal. van. Time 8–45 p. m. From the Furnas Ice Cream Co. * * * Columbus, O. Adams Express 8–22–1912."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results: Fat, 5.95 per cent; sucrose, 11.38 per cent; total solids, 28.15 per cent; gelatin, strong test; coal-tar dye (yellow); the product contains gelatin and artificial coloring and does not contain sufficient fat to be entitled to the name ice cream. Bacteriological examination of a sample of the product by said bureau showed the following results: 35,000,000 organisms per cc, plain agar, after 3 days' incubation at 25° C.; 36,000,000 organisms per cc, litmus lactose agar, after 3 days' incubation at 25° C.; 10,000,000 acid organisms per cc; 1,000,000 *B. coli* group per cc; 1,000,000 streptococci per cc. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a frozen milk product containing gelatin and coal-tar coloring matter, had been substituted for what the article of food purported to be, to wit, ice cream; and for the further reason that the article of food contained and consisted of a filthy and decomposed animal substance. Misbranding was

alleged for the reason that the article of food, being a frozen milk product deficient in butter fat and containing gelatin and coal-tar coloring matter, was an imitation of and offered for sale under the distinctive name of another article of food, to wit, ice cream.

On June 3, 1913, the defendant company filed its demurrer to the information, and on June 10, 1913, the court overruled said demurrer. Thereupon the defendant company entered its plea of nolo contendere to the information, and the court imposed a fine of $15 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3027. Adulteration of oil rosemary flowers and oil red thyme. U. S. v. James B. Horner. Plea of guilty. Fine, $125. (F. & D. No. 4989. I. S. Nos. 3573-d, 3574-d.)

On April 22, 1913, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in two counts against James B. Horner, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on February 28, 1911, from the State of New York into the State of California—

(1) Of a quantity of oil rosemary flowers which was adulterated. This product was labeled: "Oil Rosemary Flowers, James B. Horner—New York."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Specific gravity, 25° C.	0.899
Rotation at 25° C.	+11.4
Index of refraction at 20° C.	1.468
Index of refraction at 20° C., first 10 per cent distillate	1.468
Bornyl acetate (per cent)	2.15
Borneol (per cent)	9.2
Rotation at 25° C., first 10 per cent distillate	+10.4

Solubility in 90 per cent alcohol: Clear on one-half volume.
Solubility in 80 per cent alcohol: Cloudy in 10 volumes.

Adulteration of the product was alleged in the first count of the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, oil of rosemary, and it differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of shipment and investigation, in that said Pharmacopœia provides as a test for oil of rosemary that it shall contain not less than 2.5 per cent of ester calculated as bornyl acetate and not less than 10 per cent of total borneol, whereas it contained 2.15 per cent of ester calculated as bornyl acetate and 9.2 per cent of total borneol.

(2) Of a quantity of oil red thyme which was adulterated. This product was labeled "Oil Red Thyme. James B. Horner—New York."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Specific gravity at 25° C.	0.9133
Refractive index at 20° C.	1.4958
Optical rotation, 100 mm, 20° C	−2.08

Soluble in one-half volume 95 per cent alcohol.
Not soluble in 2 or 3 volumes 80 per cent alcohol.
Official phenol: Absent.

Phenols (by absorption) (per cent)	20.0

Pinene (nitroso-chlorid test): Present.
Oil is not U. S. P.
Not soluble in 2 volumes of 80 per cent alcohol.
Contains added turpentine.

Adulteration of the product was alleged in the second count of the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, oil of thyme, and it differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of shipment and investigation, in that it contained turpentine, which is not one of the ingredients of oil of thyme as determined by the test laid down in said Pharmacopœia.

On May 12, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25 upon the first count thereof and a fine of $100 upon the second count.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3028. Misbranding of vinegar. U. S. v. 25 Cases of Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 4993. I. S. No. 1658.)

On or about January 30, 1913, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing two dozen bottles of vinegar, remaining unsold in the original unbroken packages and in possession of William D. Cleveland & Sons, Houston, Tex., alleging that the product had been shipped from the State of Kentucky into the State of Texas, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "2 Doz. Qts. K. & L. Apple Vinegar." (On bottles) "Pure (design apple) Vinegar Bottled by Knadler & Lucas, Incorporated, Louisville, Ky."

Misbranding of the product was alleged in the libel for the reason that the bottles contained in the cases were not quarts in size, and that the vinegar in each bottle was less than the quantity indicated by an average shortage of 17.3 per cent, and the labeling of the cases as containing 2 dozen quarts was misleading and false, so as to deceive and mislead the purchaser as to the contents of the bottles contained in the cases, and the offer for sale of said cases and bottles of vinegar as aforesaid was a deceit and a misbranding within the meaning of the act aforesaid. On February 25, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal, and that the costs of the suit should be paid out of the proceeds of the sale, and if such proceeds were insufficient to pay all costs, it was adjudged that any balance should be adjudged against said William D. Cleveland & Sons. It was further ordered that said William D. Cleveland & Sons might at any time before the sale pay all costs and make bond in the sum of $200, in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3029. Adulteration of ice cream. U. S. v. Louis George (Vienna Ice Cream Company). Plea of guilty. Fine, $20 and costs. (F. & D. No. 5001. I. S. No. 36237-e.)

On April 7, 1913, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Louis George, doing business as the Vienna Ice Cream Co., Bluefield, W. Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, from the State of West Virginia into the State of Virginia, of a quantity of ice cream which was adulterated. The product was labeled on shipping tag: "To S. Auerbach, Pocahontas Train No. 9 Gallons 5 Date 8/24 Tub No. Frozen Milk Product made with condensed milk Vienna Ice

Cream Co. * * * Bluefield, West Virginia. (On tub) Vienna Ice Cream Co., Bluefield, W. Va. 612."

Examination of a sample of the product by the Bureau of Chemistry of this department showed the following results:

140,000,000 organisms per cc, plain agar, after 3 days' incubation, at 25° C.

137,000,000 organisms per cc, litmus lactose agar, after 3 days' incubation, at 25° C.

100 per cent acid.

100,000 *B. coli* group per cc.

1,000,000 streptococci per cc.

Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 16, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of $20 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3030. Adulteration and misbranding of vinegar. U. S. v. 10 Barrels of Apple Cider Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5002. S. No. 1669.)

On January 24, 1913, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 barrels containing 447 gallons of so-called pure apple cider vinegar, remaining unsold in the original unbroken packages and in possession of the Merchants Coffee Association, Atlanta, Ga., alleging that the product had been shipped on October 3, 1912, from the State of Kentucky into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "R. M. Hughes & Co., Pure Apple Cider Vinegar. Serial No. 26475. Louisville, Ky."

Adulteration of the product was alleged in the libel for the reason that it consisted largely of distilled vinegar or diluted acetic acid and distilled vinegar, or diluted acetic acid had been mixed and packed with apple cider vinegar, so as to reduce the quality of said vinegar, in violation of the first paragraph of section 7, in the case of food, of the Food and Drugs Act of June 30, 1906. Adulteration was alleged for the further reason that distilled vinegar or diluted acetic acid had been substituted in part for pure apple cider vinegar, in violation of the second section of paragraph 8, in the case of food, of the Food and Drugs Act of June 30, 1906. Misbranding was alleged for the reason that the product was labeled and branded "Pure Apple Cider Vinegar," whereas, in truth and in fact, it was not pure apple cider vinegar, but was composed largely of distilled vinegar or diluted acetic acid, and was labeled so as to deceive and mislead the purchaser into the belief that the product was pure apple cider vinegar, in violation of the second paragraph of section 8, in the case of food, of the Food and Drugs Act of June 30, 1906. Misbranding was alleged for the further reason that the labels on the barrels containing it bore the statement "Pure Apple Cider Vinegar" regarding the product and substances contained therein, which said statement was false and misleading, in that the product was not pure apple cider vinegar, but consisted largely of distilled vinegar or dilute acetic acid.

On November 14, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal, after being relabeled "Compound Distilled Vinegar and Apple Vinegar, Louisville, Ky."

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3031. Adulteration of tomato pulp. U. S. v. 250 Cases of Tomato Pulp. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5018. S. No. 1678.)

On or about February 17, 1913, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 250 cases of tomato pulp, remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that the product had been shipped on or about January 13, 1913, from the State of New York into the State of California, consigned to Giurlani Brothers Co., and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it was filthy and decomposed.

On May 3, 1913, Ignatius Gross, claimant, having filed a stipulation that the product might be condemned, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon payment of the costs of the proceeding and the execution of bond in the sum of $2,500, in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3032. Adulteration of milk. U. S. v. James C. Willson. Plea of guilty. Fine, $10 and costs. (F. & D. No. 5019. I. S. No. 1004-e.)

On May 27, 1913, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James C. Willson, Osyka, Miss., alleging shipment by said defendant, in violation of the Food and Drugs Act, on October 18, 1912, from the State of Mississippi into the State of Louisiana, of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Water, by drying (per cent)	89.60
Fat, by Roese-Gottlieb (per cent)	3.53
Protein, N×6.38 (per cent)	2.60
Ash (per cent)	0.96
Undetermined, by difference (per cent)	3.31
Total (per cent)	100.00
Total solids, by drying (per cent)	10.4
Fat in total solids (per cent)	33.9
Ratio of proteins to fat	1:1.36

There was a deposit of dirt about $\frac{1}{32}$ to $\frac{1}{16}$ inch thick over bottom of bottle (quart Mason jar). Microscope shows this to consist of sand and clay mixed with decomposed vegetable fibers. The whole milk, and especially the cream, was dark colored. Adulteration of the product was alleged in the information for the reason that substances, to wit, water, sand, clay, and decomposed vegetable matter, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality in that it consisted in part of decomposed vegetable matter, as the defendant well knew.

On November 3, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of $10 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3033. Misbranding of champagne cognac. U. S. v. 249 Cases Champagne Cognac. Decree of condemnation by consent. Product released on bond. (F. & D. Nos. 5027 to 5045, incl. S. No. 1687.)

On February 10, 1913, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 249 cases of champagne cognac, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by A. Blum Jr.'s Sons, New York, N. Y., consigned to A. B. Christie & Co., Boston, Mass., and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On case) "Bottled by Vve Robert & Cie, Cognac—S. S. France—B. New York—Vve Robert & Cie, Cognac—France." (On bottles) "Fine Champagne Cognac—Trade Mark."—(Design—in gilt color a barrel bearing a figure on top and stenciled on one end "Vve Robert & Cie, Cognac"; grape vines and clusters of grapes) "Vve Robert & Cie.—Cognac—France."

Misbranding of the product was alleged in the libel for the reason that said food upon the packages and labels thereof bore certain statements, designs, and devices regarding the ingredients and substances contained in said food, that is to say, the following words, abbreviations of words, and pictures: "Bottled by Vve Robert & Cie, Cognac, S. S. France," "Fine Champagne Cognac, Trade Mark," and a picture of a barrel prominently displayed thereon surrounded by pictures of grape vines and clusters of grapes, and the words "Bottled by Vve Robert & Cie," printed upon a capsule on each of the aforesaid packages, under which said capsule on each of said packages there appeared printed thereon three stars, all of which said statements, designs, and devices were false and misleading, because they would then and there lead the purchaser to believe that said food consisted of champagne cognac, whereas, in truth and in fact, it did not. Misbranding was alleged for the further reason that the product was labeled and branded, by reason of the words, abbreviation of words, and pictures set forth above, so as to deceive and mislead the purchaser into the belief that the food was a foreign product, whereas, in truth and in fact, it was not such a product. Misbranding was alleged for the further reason that said food, packages, and labels thereof bore certain statements, designs, and devices regarding the ingredients and the substances contained therein; that is to say, the words, abbreviations of words, and pictures appearing thereon set forth above, said statements, designs, and devices being false and misleading in a certain particular; that is to say, because they would lead the purchaser to believe that said food was champagne cognac and the product of a foreign country, whereas, in truth and in fact, said food was not a champagne cognac and was not a product of a foreign country.

On May 17, 1913, the A. Blum Jr.'s Sons, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the filing of a satisfactory bond in the sum of $1,500 in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3034. Adulteration and misbranding of brandy. U. S. v. 3 Barrels of Brandy. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5047. S. No. 1689.)

On February 15, 1913, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels, purporting and representing to be brandy, remaining unsold in the original unbroken packages

and in possession of Albert Steinfeld & Co., Tucson, Ariz., alleging that the product had been shipped on or about November 18, 1912, by the E. G. Lyons and Raas Co., San Francisco, Cal., and transported in interstate commerce from the State of California into the State of Arizona, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On one head of barrels) "Superior high grade California brandy"; the words "superior" and "high grade" are in type one and one-half (1½) inches in height; the words "California brandy" are one (1) inch in height; on the other head of each barrel appears "Brandy a Compound Proof 90" on two barrels and "Brandy a Compound Proof 80" on one barrel, and internal revenue stamp "349817," "The E. G. Lyons and Raas Co. Rectifiers 535-51, Folsom Street, San Francisco, A. C. Donnell, U. S. Gauger, 1st Dist. Cal.," the words "Brandy a Compound" are in type three-fourths (¾) of an inch high, the words and figures "proof 90" and "proof 80" are also three-fourths (¾) of an inch high, the remainder of the lettering and figures are one-half (½) inch high.

It was alleged in the libel that an imitation brandy had been added to the product and substituted in whole or in part therefor; that the production and strength of the article by the addition of this imitation product and its substitution therefor in whole or in part constituted an adulteration in violation of section 7 of the act of Congress commonly designated as Food and Drugs Act, paragraphs first and second under Food; that the same was labeled "Superior High Grade California Brandy," when it consisted largely or wholly of an imitation product and was so labeled and branded in violation of section 8 of said act, paragraphs second and fourth thereof under Food; that said food substance was misbranded in violation of said act of Congress of June 30, 1906, and said labeling and branding as aforesaid was misleading and false so as to deceive and mislead the purchaser, and so as to offer the contents for sale under the distinctive name of another article and, therefore, misbranded within the meaning of said act of Congress.

On January 20, 1914, no claimant having appeared for the brandy, after hearing the testimony on the part of libelant, judgment of condemnation and forfeiture was ordered, and it was ordered by the court that the product be sold by the United States marshal after relabeling the same "Imitation Brandy."

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3035. Adulteration and misbranding of Scuppernong wine. U. S. v. 3 Barrels So-called Scuppernong Wine. Decree of condemnation. Product ordered sold. (F. & D. No. 5048. S. No. 1691.)

On February 13, 1913, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of three barrels, each containing six dozen bottles of a product purporting to be Scuppernong wine, remaining unsold in the original unbroken packages and in possession of F. S. and O. H. Roemler, a copartnership, doing business as the Pacific Wine Co., Indianapolis, Ind., alleging that the product had been shipped or transported from the State of Ohio into the State of Indiana and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled (on barrels, on one side) "Ohio Wine," (on the head of each barrel) "Glass. This side up. 72 Bottles. Keep from freezing Pacific Wine Co., Indianapolis, Ind." (On bottles, neck label) "Pleasant refreshing"; (on principal label) "Pleasant refreshing Ohio Scuppernong Wine."

Adulteration of the product was alleged in the libel for the reason that it purported to be Scuppernong wine, for which a base wine, sweetened and flavored in imitation of Scuppernong wine, had been substituted for Scuppernong wine and with which Scuppernong wine had been mixed a base wine, sweetened and flavored in imitation

of Scuppernong wine so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the statements on the brands and labels as to the ingredients and substances contained in the product purporting to be Scuppernong wine were false and misleading, in that, in truth and in fact, the product was a wine made wholly or in part from other wine or wines or a base wine, sweetened and flavored in imitation of Scuppernong wine, and the statements contained on the brands and labels aforesaid were calculated to deceive and mislead the purchaser thereof.

On June 5, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered that the product should be sold at public sale by the United States marshal after the obliteration of all marks, brands, and labels thereon and after labeling same as follows: "A compound and mixture of pomace and other wines."

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3036. Adulteration of desiccated eggs. U. S. v. 1 Barrel of Desiccated Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5050. S. No. 1698.)

On February 17, 1913, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel of desiccated eggs, remaining unsold in the original unbroken packages and in possession of Griggs-Cooper & Co., St. Paul, Minn., alleging such product had been shipped on January 15, 1913, by the Joe Lowe Co., Dallas, Tex., and transported from the State of Texas into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Dried Eggs—Jo Lo Brand—Griggs Cooper Co., Minnesota Transfer, Minnesota—Tracer to follow—Keep Cool—Dry—Head up—Rush—Perishable—Most direct route—Mdse car–19285—1—23, Frisco-St. Louis."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance and was unfit for food.

On September 15, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3037. Adulteration and misbranding of strawberry juice. U. S. v. E. H. Dunn. Plea of guilty. Fine, $50 and costs. (F. & D. No. 5051. I. S. No. 18-e.)

On June 20, 1913, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Eli H. Dunn, a member of the copartnership of E. H. Dunn & Son, Kansas City, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about April 13, 1912, from the State of Missouri into the State of Kansas, of a quantity of strawberry juice which was adulterated and misbranded. The product was labeled: (On barrel) "Dunn's Natural Strawberry Juice For Carbonating Made from Choice Ripe Strawberries. A pure Fruit Body for Pop or Fountain Use. Contains added artificial Flavor and Color and 1–10 of 1% Benzoate preservative. U. S. Serial No. 21791. E. H. Dunn & Son, 3820 Main St., Kansas City, Mo." (On shipping tag) "From E. H. Dunn & Son, Natural Fruit Juices, etc. To Cox Bottling Co., Wichita, Kans."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Solids by drying (per cent)	2.5
Sucrose, Clerget	None.
Reducing sugars as invert before inversion (per cent)	0.74
Commercial glucose (factor 163)	None.
Polarization, direct, at 32° C. (°V.)	−1.0
Polarization, invert, at 32° C. (°V.)	−1.0
Polarization, invert, at 87° C. (°V.)	0.0
Ash (per cent)	0.18
Acids (cc N/10 alkali per 100 grams)	228.0
Specific gravity	1.0089
Alcohol (per cent by volume)	1.88
Methyl alcohol	None.
Sodium benzoate (per cent)	0.21
Phosphoric acid	None.
Total acid as tartaric (per cent)	1.7
Volatile acid as citric (per cent)	0.14
Alcohol precipitate (grams per 100 cc)	0.0235
Ash from alcohol precipitate (grams per 100 cc)	0.0220

Acid appears to be tartaric.

Color appears wholly coal-tar, giving reactions of Amaranth.

Organoleptic test: A deeply colored acid liquid having no taste or odor of strawberries.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, an imitation strawberry product, artificially colored and flavored, was mixed and packed with strawberry juice so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that a substance, to wit, an imitation strawberry product, artificially colored and flavored, was substituted in part for the natural strawberry juice, which the labels on the barrel represented the contents to be; and further, for the reason that the product was colored in a manner whereby its inferiority was concealed in that by reason of said artificial coloring the fact that imitation strawberry coloring was mixed with real strawberry juice was concealed. It was alleged in the information that the product was misbranded in the following particulars: (1) In that the statement "Natural Strawberry Juice" borne on the label attached to the barrel was false and misleading, in that said statement misled and deceived the purchaser into the belief that the product so contained in said barrel was composed wholly of the natural juice of the strawberry, whereas in truth and in fact it was a mixture of strawberry juice with an imitation strawberry product artificially colored and flavored, containing benzoate of soda. (2) In that said product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Natural strawberry juice," when, as a matter of fact, said product was not natural strawberry juice, but a mixture of strawberry juice and an imitation strawberry product artificially colored and flavored containing benzoate of soda. (3) In that the statement "Contains * * * 1-10 of 1 per cent Benzoate preservative" borne on the label attached to said barrel was false and misleading, in that it conveyed the impression that the product contained in said barrel contained one-tenth of 1 per cent of benzoate of soda only, when, as a matter of fact, it contained more than that amount, to wit, 21 one-hundredths of 1 per cent of benzoate of soda. (4) In that it was labeled and branded so as to deceive and mislead the purchaser, being labeled "Contains * * * 1-10 of 1 per cent Benzoate Preservative," when,

as a matter of fact, it contained a greater amount, to wit, 21 one-hundredths of 1 per cent of benzoate of soda.

On December 12, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3038. Adulteration and misbranding of tincture of iodine. U. S. v. Moses Sexton, Manager for M. E. Pywell. Plea of guilty. Fine, $20. (F. & D. No. 5052. I. S. Nos. 17272-d, 3022-e.)

On June 10, 1913, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against Moses Sexton, manager for M. E. Pywell, doing business under the name of Robert T. Pywell, Washington, D. C., alleging the sale by said defendant on May 20, 1913, at the District aforesaid, in violation of the Food and Drugs Act, of quantities of tincture of iodine which were adulterated and misbranded. The products were labeled: "Tinc. Iodine * * * Poison: Antidote Emetics, and follow with drinks of Flour or Starch in Water, Milk. Robert T. Pywell, Druggist, 11th & K Sts., S. E. Washington, D. C."

Analyses of samples of the product by the Bureau of Chemistry of this department showed the following results:

Sample No. 1:	
Iodine (grams per 100 cc)	5.04
Potassium iodide	None.
Alcohol (per cent by volume)	94.40
Sample No. 2:	
Iodine (grams per 100 cc)	5.52
Potassium iodide (grams per 100 cc)	5.30
Alcohol (per cent)	95

Adulteration of the product was alleged in the information for the reason that it was offered for sale and sold under and by a name, to wit, tincture of iodine, which name was recognized in the United States Pharmacopœia official at the time of investigation, and said drug differed from the standard of strength and purity as determined by the test laid down in said Pharmacopœia official at the time of investigation. Misbranding was alleged for the reason that the product was branded and was labeled so as to deceive and mislead the purchaser, in that the label on the bottles thereof bore the words and phrase "Tincture of Iodine," meaning and importing to the purchaser thereof that the drug was a tincture of iodine conforming to the standard set forth in said Pharmacopœia, whereas, in truth and in fact, it was not.

On June 10, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of $20.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3039. Misbranding of Fernet Milano. U. S. v. Pasquale Gargiulo (doing business under the name and style of P. Gargiulo & Co.). Plea of guilty. Fine, $40. (F. & D. No. 5058. I. S. No. 18691-d.)

On June 11, 1913, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel against Pasquale Gargiulo, doing business under the name and style of P. Gargiulo & Co., New York, N. Y., alleging the shipment by said company, in violation of the Food and Drugs Act, on December 6, 1911, from the State of New York into the State of Michigan, of a quantity of Fernet Milano

which was misbranded. The product was labeled in the Italian language, and a transcription of said label in the English language is as follows: "Fernet Milano Liquor Vermifuge (worm destroyer) and the only one that possesses the true and genuine process, acknowledged and approved by various professors. It is the only Fernet on account of its being prepared in a manner entirely special. Besides having all the qualities indisputably acknowledged in that kind of liquor, it has also the value to prevent and stop sea-sickness. Therefore nobody doubts to consider it as an indispensable article for a sea voyage. It can be taken at any time in an ordinary liquor glass by itself or mixed with any other liquor or beverage. On the ocean it is taken as soon as the first symptoms of nausea are manifested. Every label will bear the signature Fernet Milano, and the capsule will be secured around the neck of the bottle with another label bearing the same signature. Guaranteed under the Food and Drugs Act, June 30th, 1906. Serial Number 14057. Fernet Milano."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	33.7
Nonvolatile matter (grams per 100 cc)	1.528
Ash (grams per 100 cc)	0.0556
Alkaloids (grams per 100 cc)	0.0014

Quinin: Absent.
Methyl alcohol: Absent.
Emodine, licorice, and a trace of iron present.

Misbranding of the product was alleged in the information for the reason that it was an imitation of and offered for sale under the name of another article, to wit, Fernet Milano, a well-known article, and said product was further misbranded in that the label on the package failed to bear a statement of the quantity or proportion of alcohol contained therein, whereas, in truth and in fact, it contained alcohol to the extent of 33.7 per cent by volume. Misbranding was alleged for the further reason that the product was an imitation of and offered for sale under the distinctive name of another article, to wit, Fernet Milano, and further in that it was labeled as aforesaid so as to deceive and mislead the purchaser thereof, and purported to be a foreign product when it was not so, in that said label would indicate that the article was a foreign product, to wit, a product from Italy, when it was not so, but was a product of the United States.

On November 5, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of $40.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3040. Adulteration and misbranding of brown chocolate paste. U. S. v. 60 Cans of Brown Chocolate Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5060. S. No. 1701.)

On February 19, 1913, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 cans, each containing 5 pounds, of an article purporting to be brown chocolate paste, remaining unsold in the original unbroken packages at a bakers' and confectioners' supply house, 1128 Penn Avenue, Pittsburgh, Pa., alleging that the product had been shipped on or about October 9, 1912, by the John G. Beekler Co., Chicago, Ill., and transported from the State of Illinois into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "John G. Beekler Co. Manufacturers of Brown Paint Paste Color Chocolate Style 268 North Curtis Street Chicago U. S. A."

Adulteration of the product was alleged in the libel for the reason that iron oxid and arsenic, deleterious ingredients, had been added to such article of food, which rendered it injurious to health. Misbranding was alleged for the reason that the alleged article of food, which was labeled as set forth above, purported to be suitable for food purposes, when in fact it was an imitation chocolate paste and not fit for food purposes, in that it contained deleterious ingredients, to wit, iron oxid and arsenic, and said label would deceive and mislead the purchaser. Misbranding was alleged for the further reason that the alleged article of food bore a statement regarding the ingredients of said article of food which was false and misleading, to wit, that one of the ingredients of said article of food was chocolate or a suitable substitute therefor, while in fact none of the ingredients of said article of food was chocolate.

On August 20, 1913, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY. *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3041. Adulteration and misbranding of cheese. U. S. v. 20 Cases or Hoops of Cheese. Product released on bond and payment of costs. (F. & D. No. 5065. S. No. 1706.)

On February 25, 1913, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 cases or hoops of cheese, remaining unsold in the original unbroken packages in possession of the Whittlesey Mercantile Co., Topeka, Kans., alleging that the product had been shipped by J. L. Kraft Brothers & Co., Inc., Chicago, Ill., on February 8, 1913, and transported from the State of Illinois into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Elk Horn Brand, New York."

Adulteration of the product was alleged in the libel for the reason that it was a diluted cheese in a reduction of quality and character of product by the addition of skim milk to the extent of 33⅓ per cent, said skim milk having been substituted wholly or in part for whole milk.

Misbranding was alleged for the reason that the quotations worded and designed on the label on the top or lid of each of said cases as hereinbefore set forth conveyed the impression that the cheese or product was whole milk of 50 per cent butter fat contents of water-free substance, when, in truth and in fact, said cheese was wholly or in part a skim-milk cheese, reduced in quality or character by the substitution of skim milk which had been substituted to the extent of 33⅓ per cent for whole milk; that said wording and labels were calculated to mislead the purchaser and were therefore false and misleading.

On April 19, 1913, the J. L. Kraft Brothers & Co., Chicago, claimant, filed their petition admitting the allegations of the libel and offering a bond in the sum of $500 in conformity with section 10 of the act, and declaring its willingness that an order be entered requiring it to pay the costs of the proceeding upon the release of the product. It was ordered by the court on said date that the bond offered by the petitioner be approved; that the product be released to said petitioner; that the petitioner be required to pay the costs of the proceedings, and that the foregoing provisions being complied with by said petitioner the case should stand dismissed.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3042. Adulteration of strawberry ice cream. U. S. v. The Moores & Ross Milk Co. Plea of nolo contendere. Fine, $15 and costs. (F. & D. No. 5066. I. S. No. 36243-e.)

On May 7, 1913, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against The Moores & Ross Milk Co., a corpora-

tion, Columbus, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on August 24, 1912, from the State of Ohio into the State of West Virginia, of a quantity of product purporting to be strawberry ice cream, which was adulterated. The product was labeled: "From The Moores & Ross Milk Co., Columbus, Ohio. No. 3009. Date 8/24. Time 8/45. Stand. Thos. J. Elliott, Welch, W. Va. Shipped Via Adams Milk Prod. 5 Gal. Strawberry."

Bacteriological examination of a sample of the product by the Bureau of Chemistry of this department showed the following results:

56,000,000 organisms per cc, plain agar, after 3 days, at 25° C.; 15,000,000 organisms per cc, litmus, lactose agar, after 3 days at 25° C.; 100 per cent acid; 10,000,000 *B. coli* group per cc; 10,000,000 streptococci per cc.

Adulteration of the product was alleged in the information for the reason that it contained and consisted of a filthy and decomposed animal substance.

On June 3, 1913, the defendant company filed its demurrer to the information, and on June 10 the demurrer was overruled by the court. Thereupon the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $15 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3043. Misbranding of Dr. Hilton's Specific No. 3. U. S. v. 1 Box of Dr. Hilton's Specific No. 3. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5067. S. No. 1708.)

On February 26, 1913, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 box of Dr. Hilton's Specific No. 3, remaining unsold in the original unbroken packages, on the premises of the John W. Perkins Co., Portland, Me., alleging that the product had been shipped on February 6, 1913, from the State of Massachusetts into the State of Maine, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Dr. Hilton's Specific No. 3, cures colds, the grippe, and absolutely prevents pneumonia, Prepared by G. W. Hilton, M. D., Lowell, Mass., U. S. A."

Misbranding of the product was alleged in the libel for the reason that the packages bore the inscription "D. Hilton's Specific No. 3—trade mark—kills the cold, prevents pneumonia, grippe, bronchitis, and all ills that develop from a cold—Does not kill the heart or injure the stomach—prevention the only sure cure for pneumonia," which said inscription was calculated to deceive and mislead the purchaser of the package bearing said inscription, in that the contents of each of said packages would not prevent pneumonia, and would not prevent grippe, and would not prevent bronchitis, and was not a cure for pneumonia. Misbranding was alleged for the further reason that the packages contained in the box were inscribed as follows: "Prevention—the only cure for pneumonia—Kills the cold and prevents pneumonia, grippe, bronchitis and all ills that develop from it—in Boston where Hilton's No. 3 is almost universally used, it has reduced the death rate from ppeumonia more than one-half since 1891," which said inscription was calculated to mislead and deceive the purchaser of the contents of said package, in that the contents thereof would not kill a cold and prevent pneumonia, and would not prevent the grippe, and would not prevent bronchitis and all ills that develop from it, and that it was not true that in Boston the said Hilton's Specific No. 3 was almost universally used, and that it was not true that it had reduced the death rate in Boston from pneumonia more than one-half since 1891; that said inscription was calculated to mislead and deceive the purchaser thereof, in that the contents thereof contained no medicinal properties whatsoever.

On April 26, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3044. Adulteration and misbranding of wheat bran. U. S. v. 300 Sacks of Wheat Bran. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5073. S. No. 1711.)

On March 1, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 sacks of wheat bran, remaining unsold in the original unbroken packages, upon the premises of the A. L. Bartlett Co., Rockford, Ill., alleging that the product had been shipped by the Pillsbury Flour Mills Co., Minneapolis, Minn., on January 14, 1913, and transported from the State of Minnesota into the State of Illinois and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "For drawback Pillsbury's Pure and Unadulterated Wheat Bran—guaranteed by Pillsbury Flour Mills Company under the Food and Drugs Act, June 30, 1906—4489 A—Minimum protein 14.50 percent, Minimum fat 4.00 percent, maximum fibre 11.00 percent, 100 pounds, Minneapolis, Minnesota, U. S. A."

Adulteration of the product was alleged in the libel for the reason that a certain substance known as screenings had been mixed and packed with the article of food so as to reduce and lower and injuriously affect its quality and strength. Adulteration was alleged for the further reason that a certain substance known as screenings had been substituted in part for the article of food aforesaid. Misbranding of the product was alleged for the reason that each of the sacks bore a label in the words and figures set forth above, which said statement, contained in the label upon each of the sacks, deceived and misled the purchaser into the belief that the article of food aforesaid was a pure and unadulterated wheat bran, whereas, in truth and in fact, the article of food aforesaid was not a pure and unadulterated wheat bran, but was a mixture containing wheat bran and screenings, to wit, 4.05 per cent of said screenings. Misbranding was alleged for the further reason that said statement contained in the label upon each of the sacks was false and misleading in that the label aforesaid purported to state that the article of food was a pure and unadulterated wheat bran, whereas, in truth and in fact, the article of food aforesaid was not a pure and unadulterated wheat bran, but was a mixture containing wheat bran and screenings, to wit, 4.05 per cent of said screenings.

On October 18, 1913, the said A. L. Bartlett Co., claimant, having filed its substituted answer admitting all material allegations in the libel, and the court having read and considered the same and having heard the arguments of counsel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be surrendered and delivered to said claimant company upon payment of the costs of the proceedings and the execution of bond in the sum of $250, in conformity with section 10 of the act, conditioned in part that said claimant should obliterate or cause to be obliterated the portion of the label containing the statement, to wit, "For drawback Pillsbury's Pure and Unadulterated Wheat Bran," and the substitution in lieu thereof of the following: "Wheat Bran with Ground Mill Run of Screenings."

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3045. Adulteration and misbranding of lemon extract and tonka and vanilla extract. U. S. v. Russel W. Snyder. Plea of guilty. Fine, $1. (F. & D. No. 5075. I. S. Nos. 1836-7-e.)

On May 17, 1913, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Russel W. Snyder, doing business under the name and style of R. W. Snyder, Battle Creek, Mich., alleging shipment by said defendant, in violation of the Food and Drugs Act, on September 9, 1912, from the State of Michigan into the State of Ohio, of a quantity of so-called extract of lemon and of a quantity of so-called extract of tonka and vanilla which were adulterated and misbranded. The lemon extract was labeled: "Snyder's Superior Extracts Lemon (Guaranty Legend) Flavoring Ice Cream, Jellies, Custards, Sauces, Pastry, etc. R. W. Snyder, Battle Creek, Mich." (Side label) "This bottle contains two full ounces. This extract is sold with a guarantee. If not satisfactory return to the party from whom purchased and receive your money back. R. W. Snyder."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Specific gravity 15.6°C./15.6°C	0.833
Alcohol (per cent by volume)	84.88
Methyl alcohol	None.
Solids (grams per 100 cc)	0.112
Oil (per cent by volume):	
(*a*) By polarization	5.72
(*b*) By precipitation	5.2
Citral, Hiltner method (per cent by weight)	0.2

Coal tar dye: Absent.
Turmeric: Present.
Volume: Full.

Adulteration of the product was alleged in the information for the reason that it was colored in a manner whereby its inferiority as an ordinary minimum standard lemon extract was concealed, in that a certain substance had been substituted wholly and in part for the article, to wit, turmeric, as demonstrated by the aforesaid analysis of the food product. Misbranding was alleged for the reason that the statement borne on the label of the product, to wit, "Snyder's Superior Extracts, Lemon," was false and misleading to the purchaser thereof, in that said statement conveyed the impression and was intended to convey the impression that the food product was an extract of lemon of a superior grade, whereas, in truth and in fact, it was not an extract of lemon of a superior grade, but was, on the contrary, an ordinary minimum standard lemon extract, artificially colored with a certain coloring matter, to wit, turmeric; and said food product branded as aforesaid was further misbranded in that it was labeled and branded in a manner to deceive and mislead the purchaser in being labeled and branded "Snyder's Superior Extracts," as aforesaid, when, as a matter of fact, an analysis of the product showed that it contained an ordinary minimum standard lemon extract artificially colored with turmeric, as aforesaid, said statement creating the false impression that the product was a superior grade of lemon extract.

The extract of tonka and vanilla was labeled: "Snyder's Superior Extracts Tonka and Vanilla (Guaranty Legend) Serial No. 3554. Flavoring Ice Cream, Jellies, Custards, Sauces, Pastry, etc. R. W. Snyder, Battle Creek, Mich." (Side label) "This bottle contains two full ounces. This extract is sold with a guarantee. If not satisfactory return to the party from whom purchased and receive your money back. R. W. Snyder."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Specific gravity, 15.6°C./15.6°C	1.146
Alcohol (per cent by volume)	39.42
Methyl alcohol (per cent by volume)	None.
Solids (per cent)	18.54
Vanillin (grams per 100 cc)	0.77
Coumarin (grams per 100 cc)	0.115
Lead number	0.256
Color value of extract	125
After precipitation with lead	11

Volume: Full.

Adulteration of this product was alleged in the information for the reason that a substance, to wit, artificial vanillin, was substituted wholly and in part for tonka and vanilla, which the food purported to be, as shown by the official analysis of said food product by the Bureau of Chemistry of the Department of Agriculture. Misbranding was alleged for the reason that the statement "Tonka and Vanilla" borne on the label was false and misleading to the purchaser thereof, in that said statement conveyed and intended to convey to the purchaser the impression that the product was a mixture of tonka and vanilla, whereas, in truth and in fact, it was a mixture of tonka, vanilla, and, to wit, artificial vanillin, and was further misbranded in that it was labeled and branded so as to deceive and mislead the purchaser by being labeled "Tonka and Vanilla" when, as a matter of fact, it was not tonka and vanilla, but on the contrary was a mixture of tonka, vanilla, and artificial vanillin, as aforesaid, as determined by the official analysis thereof.

On August 19, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of $1.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3046. Adulteration and misbranding of neuralgic pills. U. S. v. William A. Webster Co. Plea of guilty. Fine, $10 and costs. (F. & D. No. 5076. I. S. No. 14874-d.)

On September 3, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the William A. Webster Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on December 13, 1911, from the State of Tennessee into the State of Mississippi, of a quantity of a product purporting to be neuralgic pills, which were adulterated and misbranded. The product was labeled: "500 Pills Neuralgic. Dr. Gross Quinine Sulphate 2 grs. Morphine Sulphate 1/20 gr. Acid Arsenous 1/20 gr. Ext. Aconite ½ gr. Strychnine 1/30 gr. Guaranteed by The Wm. A. Webster Co. under the Food and Drugs Act of June 30, 1906. The Wm. A. Webster Co. Pharmaceutical Manufacturers. Memphis, Tenn."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Morphin sulphate in 5 pills, (a) 0.0051 gram, (b) 0.0048 gram, equivalent to approximately 1/65 grain per pill; shortage of morphin sulphate, 65 per cent.

Adulteration of the product was alleged in the information for the reason that the label on the bottle bore a false and misleading statement, and showed, and intended to show, that the product contained 1/20 grain of morphin sulphate, whereas, in truth and in fact, it contained a less amount of said ingredient, to wit, from 0.0048 to 0.0051 grain of morphin sulphate. Misbranding was alleged for the reason that the statement "Morphine Sulphate 1/20 gr." borne on the label was false and mis-

leading, because it conveyed the impression that the pills contained 1/20 grain of morphin sulphate, whereas, in truth and in fact, they each contained a much less amount of morphin sulphate.

On October 21, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of $10, with costs of $12.95. While it was alleged in the information that the product contained from 0.0048 to 0.0051 grain of morphin sulphate, it will be noted that analysis showed that 5 pills of the product contained 0.0048 to 0.0051 gram of morphin sulphate.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3047. Adulteration and misbranding of lemon soda water flavor. U. S. v. 10 Gallons of Lemon Soda Water Flavor. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5078. S. No. 1702.)

On March 3, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel for the seizure and condemnation of one wooden keg of lemon soda water flavor remaining unsold in the original unbroken package, in possession of the Elgin Bottling Works, Elgin, Ill., alleging that the product had been shipped on July 1, 1912, by De Lisser & Co., New York, N. Y., and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "De Lisser's Soda Water Flavor 1 oz. Lemon for Lemon Soda Add to each Gallon of Syrup 1 oz. Lemon 1 oz. Citric Acid ½ oz. Foam Guaranteed by DeLisser & Co Manufacturing Chemists 455–457 West 26th St. New York under the Food & Drugs Act, June 30, 1906, Serial No. 923."

Adulteration of the product was alleged in the libel for the reason that a certain substance, to wit, a dilute solution of alcohol, had been mixed with the article of food so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a certain substance, to wit, a dilute solution of alcohol, had been substituted in part for the article of food. Misbranding was alleged for the reason that the product bore a label in the words and figures set forth above, which said statement contained in the label was an imitation of and said article of food so labeled as aforesaid was offered for sale under the distinctive name of another article; that is to say, the article was labeled in imitation of and offered for sale under the distinctive name of lemon extract, whereas, in truth and in fact, it was not flavoring extract prepared from oil of lemon or from lemon peel, or both, and containing not less than 5 per cent by volume of oil of lemon, but was a dilute solution of alcohol containing less than one-tenth of 1 per cent of oil of lemon. Misbranding was alleged for the further reason that the product was labeled so as to deceive and mislead the purchaser into the belief that it was a lemon extract under the Food and Drugs Act of June 30, 1906, whereas, in truth and in fact, it was not lemon extract under said act, but was a dilute solution of alcohol containing less than one-tenth of 1 per cent of oil of lemon. Misbranding was alleged for the further reason that the statement on the label set forth above was false and misleading, in that the label aforesaid purported to state that the article of food was lemon extract for flavoring soda water, whereas, in truth and in fact, it was not lemon extract, but was a dilute solution of alcohol containing less than one-tenth of 1 per cent of oil of lemon.

On May 5, 1913, the claimants, George W. De Lisser and Henry C. Murphy, doing business as De Lisser & Co., New York, N. Y., having filed their answer admitting all material allegations in the libel, and the court having read and considered the same, and having heard the arguments of counsel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal. It appearing, however, that the product could

be relabeled and remarked and sold again not in violation of the law, it was therefore ordered that the marshal be directed to surrender and to deliver to the claimants the product upon payment of the costs of proceedings and the execution of bond in conformity with the act, one of the conditions of the bond being that the product should be relabeled "Terpeneless Lemon Flavor, ⅓ Standard Strength."

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3048. Adulteration of tomato conserve. U. S. v. 170 Cases of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 5083, 5084. S. No. 1717.)

On or about March 8, 1913, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel for the seizure and condemnation of 170 cases of tomato conserve remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that 70 cases of the product had been shipped on or about December 9, 1912, and 100 cases on or about January 3, 1913, from Philadelphia, Pa., and transported from the State of Pennsylvania into the State of California, and charging adulteration, in violation of the Food and Drugs Act. The product was labeled: "Tomato Conserve—Conserva di Tomate Rossa—Flag Brand—Packed according to Pure Food Law—Packed by Coroneos Brothers, Philadelphia, Pa. Directions—Flavors the meat and gives a nice color."

Adulteration of the product was alleged in the libel for the reason that it was filthy and decomposed and that filthy particles were abundant.

On July 22, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3049. Adulteration and misbranding of diarrhea calomel pills. U. S. v. William A. Webster Co. Plea of guilty. Fine, $10 and costs. (F. & D. No. 5086. I. S. No. 14858-d.)

On September 3, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the William A. Webster Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on December 13, 1911, from the State of Tennessee into the State of Mississippi, of a quantity of diarrhea calomel pills which were adulterated and misbranded. The product was labeled: "500 Diarrhoea Calomel ⅛ gr.: Morphine Sulph. $\frac{1}{16}$ gr.; Capsicum $\frac{1}{16}$ gr.; Ipecac powder $\frac{1}{32}$ gr.; Camphor $\frac{1}{16}$ gr. Guaranteed by the Wm. A. Webster Co. under the Food and Drugs Act of June 30, 1906. The Wm. A. Webster Co., Pharmaceutical Manufacturers, Memphis, Tenn."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following result: Morphin sulphate per tablet, $\frac{1}{20}$ grain.

Adulteration of the product was alleged in the information for the reason that its strength fell below the professed standard under which it was sold; that is to say, the article purported to contain morphin sulphate $\frac{1}{16}$ grain to each pill, whereas, in truth and in fact, it contained a much less amount of said ingredient. Misbranding was alleged for the reason that the statement "Morphine Sulphate $\frac{1}{16}$ gr." borne on the label was false and misleading, because it conveyed and tended to convey the impression that the pills contained $\frac{1}{16}$ grain of morphin sulphate in each, when, as a matter of fact, they each contained a much less amount of said ingredient; and said product was further misbranded in that the package containing it failed to bear a statement on the label of the quantity or proportion of morphin contained therein

in type sufficiently large to comply with the requirements of paragraph (*c*), regulation 17, of the Rules and Regulations for the Enforcement of the Food and Drugs Act.

On October 21, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of $10 with costs of $12.95.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3050. Adulteration and misbranding of cottonseed meal. U. S. v. 160 Sacks Cottonseed Meal. Decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5088. S. No. 1723.)

On or about March 11, 1913, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 160 sacks of cottonseed meal remaining unsold in the original unbroken packages and in possession of the Ohio Valley Seed Co., Evansville, Ind., alleging that the product had been shipped from the State of Tennessee into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "$50 fine for using this tag second time. No. 2895 100 pounds. J. Lindsay Wells Company, of Memphis, Tenn., Guarantees this Star Brand Cottonseed Meal to contain not less than 8.0 per cent of crude fat, 38.5 per cent of crude protein, and to be compounded from following ingredients: Decorticated Cottonseed. W. J. Jones, Jr., State Chemist. Purdue University Agricultural Experiment Station, Lafayette, Ind. Not good for more than 100 Pounds."

Adulteration of the product was alleged in the libel for the reason that it was a product consisting of cottonseed meal with which had been packed and mixed cottonseed hulls so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that each of the sacks purported to contain cottonseed meal and were sold under the distinctive name of cottonseed meal and the statements contained in the contract of sale as to the ingredients and substances contained in the product purporting to be cottonseed meal, to wit, "One car, 15 tons of Sun Dried C. S. Meal, 41 to 45% protein," were false and misleading, in that, in truth and in fact, said product purporting to be cottonseed meal was a substitute and mixture for cottonseed meal, in that cottonseed hulls had been substituted in part for cottonseed meal.

On April 24, 1913, the J. Lindsay Wells Co., Memphis, Tenn., claimant, having filed its claim and answer, and the cause having come on to be heard on the pleadings, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal at public sale after the obliteration of all brands on the product and the substitution therefor of the following brand, to wit: "A substitute for Cotton Seed Meal with which is packed and mixed Cotton Seed Hulls." It was provided, however, by the decree that if the J. Lindsay Wells Co., within 30 days of the date of the decree, should pay to the United States all costs and charges, and should execute a good and sufficient bond in conformity with section 10 of the act, the United States marshal should thereupon deliver the product to said claimant.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3051. Adulteration and misbranding of soluble hypodermic tablets. U. S. v. William A. Webster Co. Plea of guilty. Fine, $10 and costs. (F. & D. No. 5089. I. S. No. 14881-d.)

On September 3, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the William A. Webster Co., a corporation, Memphis, Tenn., alleging shipment by said company,

in violation of the Food and Drugs Act, on December 13, 1911, from the State of Tennessee into the State of Mississippi, of a quantity of soluble hypodermic tablets which were adulterated and misbranded. The product was labeled: "100 Soluble Hypodermic Tablets. Morphine Sulphate ¼ gr.; Guar. Under Pure Food and Drugs Act, June 30, 1906. The William A. Webster Co., Pharmaceutical Manufacturers, Memphis, Tenn."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following result: Morphin sulphate, 0.21 grain per tablet. Adulteration of the product was alleged in the information for the reason that its strength fell below the professed standard upon which it was sold; that is to say, the labels on the bottles showed that each of the tablets contained ¼ grain morphin sulphate, whereas, in truth and in fact, said article contained a much less amount than ¼ grain of morphin sulphate and fell below the professed standard upon which it was sold. Misbranding was alleged for the reason that the statement "100 Soluble Hypodermic Tablets; Morphine Sulphate, ¼ grain," borne on the label on the product, was false and misleading, because it conveyed the impression that each of the tablets contained ¼ grain of morphin sulphate, when, as a matter of fact, the tablets contained a much less amount of said ingredient.

On October 21, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of $10, with costs of $12.95.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3052. Misbranding of cordial (Sambuca). U. S. v. Pasquale Gargiulo (P. Gargiulo & Co.). Plea of guilty. Fine, $25. (F. & D. No. 5103. I. S. No. 3182-d.)

On June 11, 1913, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Pasquale Gargiulo, doing business under the name and style of P. Gargiulo & Co., New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on January 26, 1912, from the State of New York into the State of Massachusetts, of a quantity of a cordial called "Sambuca" which was misbranded. The product was labeled in the Italian language, and a translation of said label into the English language is as follows: "Sambuca Finissima Anice. Panorama of Naples. Guaranteed under the Food and Drugs Act, June 30th, 1906. Serial No. 14057. Grand Italian Distillery. Specialty of the firm. Superfine Sambuca."

It was ascertained in connection with the examination of a sample of the product by the Bureau of Chemistry of this department that said product was manufactured in the United States. Misbranding of the product was alleged in the information for the reason that it was labeled so as to deceive and mislead the purchaser thereof, in that said label would indicate that the article was a foreign product, to wit, a product of Italy, when it was not so but was a product of the United States; and was further misbranded in that it purported to be a foreign product, to wit, a product of Italy, when it was not so but was a product of the United States.

On November 5, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of $25.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14 1914.*

3053. Adulteration of frozen egg product. U. S. v. 100 Cans Frozen Egg Product. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5104. S. No. 1738.)

On March 22, 1913, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10

cans, each containing approximately 30 pounds, of frozen egg product, remaining unsold in the original unbroken packages and in possession of the Merchants Refrigerating Co., New York, N. Y., alleging that the product had been shipped on or about March 11, 1913, by the Great Atlantic and Pacific Tea Co., Jersey City, N. J., and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act. Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, to wit, decayed egg product, contrary to the provisions of section 7, subsection 6, under "Food," of said Food and Drugs Act.

On April 7, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3054. Misbranding of peanut butter. U. S. v. Julius Koehler (Royal Peanut Butter Co.). Plea of guilty. Fine, $10 and costs. (F. & D. No. 5105. I. S. Nos. 2905-e, 4910-e.)

On July 9, 1913, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Julius Koehler, trading as the Royal Peanut Butter Co., Cleveland, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 31, 1912, from the State of Ohio into the State of Minnesota, of a quantity of so-called University Brand Peanut Butter which was misbranded. The product was labeled (on jars): "University Brand Peanut Butter—Packed at about 12 ounces. Bottled for Winston-Harper-Fisher Co., Minneapolis, Minn." (Label on shipping package of part of shipment) "1 Doz. 25¢ size—University Brand Peanut Butter—Packed at about 12 ounces—Bottled for Winston-Harper-Fisher Co., Minneapolis, Minn.—Soo Line-Mpls. 105390–7–26–12." (Label on shipping package of rest of said shipment) Similar to label on retail package with the following added: "2 Dozen 10¢ size."

Examination of samples of the product by the Bureau of Chemistry of this department showed the following results: Batch 1—(1) Net weight 10⅔ oz., shortage 13.54 per cent; (2) net weight 10¼ oz., shortage 14.58 per cent; (3) net weight 10⅛ oz., shortage 15.62 per cent; (4) net weight 10⅜ oz., shortage 13.54 per cent; (5) net weight 10⅛ oz., shortage 15.62 per cent; (6) net weight 10⅝ oz., shortage 11.45 per cent; (7) net weight 10⅜ oz., shortage 13.54 per cent; (8) net weight 10 oz., shortage 16.66 per cent; average contents 10.28 oz., average shortage 14.33 per cent. Batch 2—(1) Net weight 9⅞ oz., shortage 17.7 per cent; (2) net weight 10 oz., shortage 16.66 per cent; (3) net weight 10 oz., shortage 16.66 per cent; (4) net weight 10⅜ oz., shortage 13.54 per cent; (5) net weight 9⅝ oz., shortage 19.79 per cent; (6) net weight 10⅔ oz., shortage 14.58 per cent; (7) net weight 10⅛ oz., shortage 15.62 per cent; (8) net weight 10 oz., shortage 16.66 per cent; (9) net weight 10⅜ oz., shortage 13.54 per cent; (10) net weight 10⅔ oz., shortage 14.58 per cent; average shortage 15.9 per cent. Misbranding of the product was alleged in the information for the reason that the statement on the label thereof, "Packed at about 12 ounces," was false and misleading, as it conveyed the impression that the net contents of the containers on which the statement appeared was 12 ounces, whereas, in fact, the net contents thereof was less than 12 ounces, there being an average shortage in the packages weighed of 14.33 per cent in one sample and 15.9 per cent in another sample. Misbranding was alleged for the further reason that the product was labeled and branded so as to mislead and deceive the purchaser into the belief that each package thereof contained 12 ounces, whereas in fact the contents of a number of said packages showed an average shortage of approximately 15 per cent. It was further alleged in the information that the

offense set forth therein was a second offense under the terms of the act of June 30, 1906.

On September 18, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of $10 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3055. Adulteration of oysters. U. S. v. 32 Barrels of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5106. S. No. 1739.)

On March 24, 1913, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District, holding a district court, a libel for the seizure and condemnation of 32 barrels, more or less, of oysters remaining unsold in the original unbroken packages and in possession of Charles H. Weser, Washington, D. C., alleging that the product had been shipped from the State of Virginia into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The product bore no label except the shipping tag showing the names of the consignor and consignee. Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal and vegetable substance, for which reasons the said oysters were absolutely unfit for human consumption.

On May 12, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3056. Adulteration and misbranding of cottonseed meal. U. S. v. 600 Bags of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. Nos. 5109, 5110. S. No. 1740.)

On March 24, 1913, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 bags of cottonseed meal remaining unsold in the original unbroken packages at Williamstown and Bradstreet, Mass., alleging that the product had been shipped by the Humphreys Godwin Co., Memphis, Tenn., and transported from the State of Tennessee into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Dixie Brand Cottonseed Meal—Guaranteed analysis:

100 lbs. Gross	99 Net
Protein	38.62 to 43 %
Fat	6 to 8 %
Crude Fibre	8 to 12 %
Carbohydrates	24 to 28 %

Made from Pressed Cotton Seed.

Manfgd. for Humphreys, Godwin Co., Memphis, Tenn. We give and ask 'A Square Deal'."

Adulteration of the product was alleged in the libel for the reason that a substitute, to wit, cottonseed hulls, had been substituted in part for said food, and said substance had been mixed and packed with the food so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the product was an imitation of and offered for sale under the distinctive name of another article, to wit, cottonseed meal.

On May 12 and 20, 1913, P. W. Eaton & Co., Williamstown, Mass., and Gilbert E. Morton, Bradstreet, Mass., having filed their claims for the property, admitting the allegations in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants, upon payment of the costs of the proceedings and the execution of bond in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3057. Adulteration of apple waste and chop. U. S. v. 580 Sacks of Apple Waste and Chop. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5115. S. No. 1730.)

On March 25, 1913, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 580 sacks, more or less, of apple waste and chop remaining unsold in the original unbroken packages and in possession of I. S. Dawes & Son, Imlaystown, N. J., alleging that the product had been shipped on or about February 26, 1913, by the H. R. Gragg Packing Co., Rochester, N. Y., and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The product was not labeled. Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, to wit, moldy apple fragments.

On April 11, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3058. Adulteration of desiccated eggs. U. S. v. 4 Boxes of Desiccated Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5121. S. No. 1746.)

On March 31, 1913, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of four boxes, each containing 50 pounds of dried-egg product, remaining unsold in the original unbroken packages and in possession of Griggs, Cooper & Co., St. Paul, Minn., alleging that the product had been shipped on or about February 26, 1913, by the Perfection Egg Co., Chicago, Ill., and transported from the State of Illinois into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "50 Lbs net—3—Minneapolis—29074—Griggs Cooper Cracker Co. Transfer—Minneapolis."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance and was unfit for food.

On September 15, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3059. Adulteration of catsup. U. S. v. 115 Barrels of Catsup. Decree of condemnation by default. Product ordered destroyed. (F. & D. No. 5122. S. No. 1742.)

On April 2, 1913, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 115 barrels of catsup,

remaining unsold in the original unbroken packages and in possession of the Crine Packing Co., Morganville, N. J., alleging that the product had been shipped on or about March 19, 1913, by H. B. Coulter, New York, N. Y., and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "1/5 of 1% Benzoate of Soda—Grant, Beall & Company, Tomato Catsup—Chicago, Ill."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, to wit, tomatoes.

On June 5, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3060. Misbranding of molasses feed. U. S. v. 400 Sacks Molasses Feed. Product released on bond by order of court. (F. & D. No. 5124. S. No. 1749.)

On April 4, 1913, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 sacks, each containing 100 pounds of so-called molasses feed, remaining unsold in the original unbroken packages and in possession of Byrnes & Co., St. Marys, Kans., alleging that the product had been shipped on or about February 10, 1913, by the Champion Feed Co., Tarkio, Mo., and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "100 Lbs. Champion Molasses Feed. Compound processes patented, manufactured by the Champion Feed Co., Tarkio, Mo. Crude protein 13 per cent; crude fat 2 per cent; crude fiber 6 per cent; carbon hydrates 62 per cent."

Misbranding of the product was alleged in the libel for the reason that the tags attached to each of the sacks were misleading and false and were calculated to induce the purchaser to believe that the so-called molasses feed contained 13 per cent protein, 2 per cent crude fat, 6 per cent crude fiber, and 62 per cent carbohydrates, when, in truth and in fact, it contained only 9.29 per cent of protein, instead of 13 per cent as declared upon the label as hereinbefore set forth.

On April 15, 1913, the Champion Feed Co., Tarkio, Mo., moved the court for an order discharging the product from the custody of the marshal and admitted its willingness to enter into a bond in conformity with section 10 of the act and to pay all the costs of the proceedings. The same day it was ordered by the court that the product should be released to the claimant upon the execution of bond in the sum of $500, in accordance with the provisions of the act. It was further ordered that the claimant should relabel the product in conformity with the analysis made by the Department of Agriculture and pay all costs in the case.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3061. Adulteration and misbranding of cottonseed meal. U. S. v. 106 Sacks Cottonseed Meal. Decree of condemnation by default. Product ordered sold. (F. & D. No. 5125. S. No. 1751.)

On April 7, 1913, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 106 sacks of cottonseed meal remaining unsold in the original unbroken packages and in possession of the Anderson Grain & Coal Co., doing business under the name and style of Consumers' Fuel & Feed Co., Galesburg, Ill., alleging that the product had been shipped

by the Sallisaw Cotton Oil Co., Sallisaw, Okla., and transported in interstate commerce from the State of Oklahoma into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "100 pounds gross. Standard Choice Cotton Seed Meal or Cake—Chemical analysis: Crude protein 41 to 43 per cent; Crude Fat 6 to 8 per cent; Crude Fiber 8 to 10 per cent—Manufactured by Henson Cotton Oil Mills: Having general sales office 610–11 Live Stock Exchange, Kansas City, Mo."

Adulteration of the product was alleged in the libel for the reason that it had mixed and packed with it a large quantity of cottonseed hulls, which said cottonseed hulls had been so mixed and packed with it as to become substituted for choice cottonseed meal and so as to reduce, lower, and injuriously affect the quality and strength of said food product. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser, each of the sacks bearing a label upon which appeared a statement, design, and device regarding the ingredients and the substances contained therein, which said statement, design, and device are false and misleading in that on said label there was declared to be 41 to 43 per cent protein in said product, whereas, in truth and in fact, it contained only 38.16 per cent of protein, and said label also purported to declare that the product contained from 8 to 10 per cent of crude fiber, whereas, in truth and in fact, it contained 14.66 per cent crude fiber, and said product was also misbranded in that it was represented to be choice cottonseed meal, when, in truth and in fact, it was not choice cottonseed meal, because it contained an excessive amount of cottonseed hulls.

On June 7, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal after the obliteration and destruction of the tags and labels thereon.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3062. Adulteration of confectionery. U. S. v. 270 Packages of Confectionery. Consent decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 5128. S. No. 1755.)

On April 7, 1912, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 270 packages of confectionery, remaining unsold in the original unbroken packages and in possession of John Wyeth & Bro., Cincinnati, Ohio, alleging that the product had been shipped from the State of Pennsylvania into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. One hundred and ten of the packages were labeled: "Compressed Flavored Lozenges—Mint * * * John Wyeth & Brother, Incorporated, Manufacturing Chemists, Philadelphia." Five of these packages were tin cans containing 50 pounds; 5 others were tin cans containing 25 pounds; 10 others were tin cans each containing 10 pounds; 20 others were tin cans each containing 5 pounds; 20 others were glass jars each containing 5 pounds; and 50 others were bottles each containing 1 pound of the product. Seventy-five of the packages were labeled: "Compressed Flavored Lozenges Wintergreen—Guaranteed by us to comply with The Food and Drugs Act, June 30, 1906. Serial No. 9. John Wyeth & Brother, Incorporated, Manufacturing Chemists, Philadelphia." Ten of these packages were tin cans, each containing 10 pounds; 20 were tin cans, each containing 5 pounds; 20 were glass jars, each containing 5 pounds; and 25 were bottles, each containing 1 pound of this product. Eighty-five of the packages were labeled: "Peppermint—Singer—5¢."

Adulteration of the product was alleged in the libel for the reason that the confectionery contained talc, that is to say, the confectionery in the packages labeled

"Compressed Flavored Lozenges—Mint * * *," and the confectionery in said packages labeled "Peppermint—Singer—5¢," all contained 4 per cent of talc, and the confectionery in the packages labeled "Compressed Flavored Lozenges Wintergreen * * *" contained 4.28 per cent of talc.

On November 13, 1913, John Wyeth & Bro. (Inc.), claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3063. Adulteration and misbranding of feed barley. U. S. v. 3 Carloads of Feed Barley. Decree of condemnation by consent. Product ordered sold or released on bond. (F. & D. No. 5130. S. No. 1754.)

April 18, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of three carloads of feed barley remaining unsold in the original unbroken packages and in the possession of the Chicago & Northwestern Railway Co., at its Wood Street freight yards, Chicago, Ill., alleging that the product had been shipped on March 28, 1913, by the H. Poehler Co., Minneapolis, Minn., and transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libels for the reason that certain substances known as screenings, weed seeds, and barley needles had been mixed and packed with said product so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that certain substances known as screenings, weed seeds, and barley needles had been substituted in part for the product. Misbranding was alleged for the reason that the product was offered for sale and sold as "feed barley," whereas, in truth and in fact, certain substances, to wit, screenings, weed seeds, and barley needles had been added to the product in imitation of genuine "feed barley," and for the further reason that certain substances, to wit, screenings, weed seeds, and barley needles had been mixed with the feed barley and offered for sale under the distinctive name of an article of food, to wit, genuine "feed barley."

On April 18, 1913, said H. Poehler Co., claimant, having admitted the allegations in the libels and consented to the decree and the court having read and considered the libels and having heard the arguments of counsel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal, or, in lieu thereof, that it should be surrendered and delivered to said claimant upon payment of all costs of the proceedings and execution of bond in the sum of $3,000, in conformity with section 10 of the act, and conditional that the substances known as screenings, weed seeds, and barley needles should be recovered from the product.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3064. Adulteration and misbranding of vanilla extract. U. S. v. 1 Keg of Vanilla Extract. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5131. S. No. 1753.)

On April 9, 1913, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 keg containing 10 gallons of a product purporting to be pure vanilla extract, remaining unsold in the original unbroken package, and in possession of the Indianapolis Creamery, Indianapolis, Ind., alleging that the product had been transported from the State of Missouri

into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Warren Jenkinson Co., St. Louis. All bean vanilla. Guaranteed Pure Vanilla Extract. It is especially recommended for ice cream makers and bakers, as it does not bake out or freeze out. Directions one and one-half ounces to ten gallon freezer of ice cream. Guaranteed by the Manufacturers under the Food and Drugs Act of June 30, 1906."

Adulteration of the product was alleged in the libel for the reason that a dilute extract of vanilla had been mixed and packed with the product and substituted for it so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the statements on said marks, brands, and labels on said keg as to the ingredients and substances contained therein purporting to be pure vanilla extract were false and misleading, in that, in truth and in fact, the said product purporting to be a pure vanilla extract was not a pure vanilla extract but that a dilute extract of vanilla had been mixed with and packed with and substituted for pure vanilla extract, and the statements contained in said marks, brands, and labels aforesaid were calculated to deceive and mislead the purchaser thereof.

On September 26, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal, after the removal and obliteration therefrom of all marks and brands apparent thereon, and after marking, branding, and labeling the keg as follows, to wit, "Dilute Extract of Vanilla."

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3065. Adulteration and misbranding of vinegar. U. S. v. 100 Crates of Vinegar. Decree of condemnation by default. Product ordered sold. (F. & D. No. 5132. S. No. 1756.)

On April 11, 1913, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 crates, each containing 24 bottles of so-called "cane sugar vinegar," remaining unsold in the original unbroken packages and in the possession of Ed Haas, Neosho, Mo., alleging that the product had been shipped on or about October 25, 1912, by the Southern Fruit Products Co., formerly Jones Bros. & Co., Rogers, Ark., and transported from the State of Arkansas into the State of Missouri, charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Star Brand Cane Sugar Vinegar Bottled by Jones Bros. and Co. Rogers, Ark., manufacturers."

Adulteration of the product was alleged in the libel for the reason that the label thereon indicated that it was a cane sugar vinegar, whereas, in truth and in fact, it was a distilled vinegar and dilute acetic acid had been mixed and packed therewith and substituted for cane sugar vinegar, and it was further adulterated in that distilled vinegar and dilute acetic acid had been mixed and packed with and substituted for cane sugar vinegar so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the label upon the product deceived and misled purchasers thereof into the belief that it was a cane sugar vinegar, whereas, in truth and in fact, it was a distilled vinegar and dilute acetic acid had been mixed and packed with and substituted for cane sugar vinegar, and it was further misbranded in that it was an imitation of and offered for sale under the distinctive name of "cane sugar vinegar," whereas, in truth and in fact, it was a distilled vinegar and dilute acetic acid had been mixed and packed with and substituted for genuine cane sugar vinegar, and it was further misbranded in that the label thereon was false and misleading in that the product was not a cane sugar vinegar but was a distilled vinegar and dilute acetic acid had been mixed and packed with and substituted for cane sugar vinegar.

On June 10, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal.

(It is not the view of this department that both distilled vinegar and dilute acetic acid had been mixed and packed with cane sugar vinegar, the product in question.)

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3066. Adulteration of confectionery. U. S. v. 37 Packages of Confectionery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5133. S. No. 1758.)

On April 11, 1913, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 37 packages of confectionery remaining unsold in the original unbroken packages and in possession of The Alfred Vogeler Drug Co., Cincinnati, Ohio, alleging that the product had been shipped from the State of Maryland into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. Eighteen of the packages were labeled: "Compressed lozenges peppermint * * * Guaranty No. 80 Sharpe & Dohme, Baltimore." Nineteen of the packages were labeled: "Compressed lozenges wintergreen * * * Guaranty No. 80 Sharp & Dohme, Baltimore."

Adulteration of the product was alleged in the libel for the reason that it contained talc, that is to say, the confectionery in the packages labeled "peppermint" contained 8.63 per cent of talc, and the confectionery in said packages labeled "wintergreen" contained 8.33 per cent of talc.

On May 15, 1913, no claimant having appeared for the property, it was ordered by the court that the libel be taken pro confesso and that the case might be presented for final judgment at any time subsequent to 30 days from entry thereof. On June 26, 1913, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3067. Adulteration and misbranding of vinegar. U. S. v. 10 Barrels Apple Cider Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5134. S. No. 1759.)

On April 9, 1913, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 barrels containing a product purporting to be apple cider vinegar, remaining unsold in the original packages and in possession of Boniface, Weber & Allen, Muncie, Ind., alleging that the product had been transported from the State of Ohio into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Reduced to not less than 4 per cent acidity. Imperial Brand Fermented Apple Cider Vinegar. Manufactured by the Leroux Vinegar Co., Toledo, Ohio."

Adulteration of the product was alleged in the libel for the reason that the barrels contained a product purporting to be apple cider vinegar for which distilled vinegar and dilute acetic acid, and a substance high in reducing sugar with added mineral matter and added glycerin, had been mixed and packed with said article purporting to be apple cider vinegar and substituted for apple cider vinegar so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the statements on the brands and labels on the barrels as to the ingredients and substance contained therein were false and misleading, in that, in truth and in fact, the

product purporting to be apple cider vinegar was a mixture containing distilled vinegar and dilute acetic acid and a substance high in reducing sugar and added mineral matter and added glycerin, and the statements contained on said brands and labels aforesaid were calculated to deceive and mislead the purchaser thereof.

On September 26, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal after the destruction and obliteration of the brands and labels on the barrels and the substitution therefor of labeling to show the true character of the product.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3068. Adulteration and misbranding of wheat. U. S. v. 500 Sacks of Wheat. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5137. S. No. 1757.)

On April 11, 1913, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 sacks of wheat remaining unsold in the original unbroken packages and in possession of William G. Spence, trading as the Spence Brokerage Co., Tampa, Fla., alleging that the product had been shipped by J. M. Frisch & Co., Baltimore, Md., and transported from the State of Maryland into the State of Florida, and charging adulteration and misbranding, in violation of the Food and Drugs Act. The product was labeled: "100 pounds F. wheat."

Adulteration of the product was alleged in the libel for the reason that the sacks did not contain 100 pounds of wheat, but contained a mixture of wheat and rye substituted in part for wheat and which had been so mixed and packed with the wheat as to reduce and lower and injuriously affect its quality and strength. Misbranding was alleged for the reason that none of the sacks contained 100 pounds of wheat, that they purported to contain, but contained a mixture of wheat and rye which was offered for sale under the distinctive name of another article, to wit, wheat, and the labeling of said sacks was false and misleading.

On April 30, 1913, J. M. Frisch & Co., claimants, having filed their answer admitting the allegations of the libel and claiming that the misbranding and adulteration were unintentional and through ignorance, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal. It was provided, however, that the product should be delivered to the claimants upon payment of the costs of the proceedings and the execution of bond in the sum of $1,000, in conformity with section 10 of the act, and upon relabeling the product, accurately and correctly describing the same, before May 15, 1913.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3069. Adulteration of cream. U. S. v. Lynchburg Creamery Co. Plea of guilty. Fine, $50. (F. & D. No. 5138. I. S. No. 36241-e.)

On August 28, 1913, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lynchburg Creamery Co. (Inc.), a corporation, Lynchburg, Va., alleging shipment by said company, in violation of the Food and Drugs Act, on August 24, 1912, from the State of Virginia into the State of West Virginia, of a quantity of an article purporting to be cream which was adulterated. The product was labeled: "From Lynchburg Creamery Co., Inc., Lynchburg, Va. For Vienna Ice Cream Co., Bluefield, W. Va. Per cent 20."

Bacteriological examination of a sample of the product by the Bureau of Chemistry of this department showed the following results:

25,000,000 organisms per cc, plain agar, at 25° C.

38,000,000 organisms per cc, litmus lactose agar, at 25° C.

3,000,000 acid organisms per cc.

100,000 *B. coli* group per cc.

1,000,000 streptococci per cc.

Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal and vegetable substance.

On September 9, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of $50.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3070. Misbranding of medicinal beer. U. S. v. Darley Park Brewery. Plea of guilty. Fine, $10. (F. & D. No. 5142. I. S. No. 4136-e.)

On July 18, 1913, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Darley Park Brewery, a body corporate, incorporated under the laws of the State of New Jersey, and doing business at Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on September 9, 1912, from the State of Maryland into the State of Virginia, of a quantity of medicinal beer which was misbranded. The product was labeled: "O-U-Hopp An Excellent Tonic, recommended for medicinal purposes—especially for nursing mothers, convalescents and victims of insomnia or nervousness. A glassful taken before or with meals aids digestion and before retiring produces restful sleep."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following result: Alcohol by volume, 4.58 per cent. Misbranding of the product was alleged in the information for the reason that it contained approximately 4.58 per cent of alcohol by volume, whereas the bottles failed to bear a statement on the label of the quantity and proportion of alcohol contained in said beer.

On October 9, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3071. Adulteration and misbranding of mill run. U. S. v. 1,200 Sacks of Mill Run. Decree of condemnation by consent. Product released on bond. (F. & D. No. 5152. S. No. 1761.)

On April 18, 1913, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,200 sacks of mill run, which is a product commercially known as composed of middlings, shorts, and bran, being made from wheat as it goes to the rolls and being the residue after flour has been made therefrom, said product remaining unsold in the original unbroken packages and in the possession of the Joplin Hay Co., Joplin, Mo., alleging that the same had been shipped on January 17, February 27, and March 5, 1913, by the New Era Mills, a branch of the Kansas Flour Mills Co., doing business at Arkansas City, Kans., and transported in interstate commerce from the State of Kansas into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "98 Lbs. Polar Bear Mill Run. The Kansas Flour Mills Co. Analysis: Protein 14.00%; fat 3.50%. Arkansas City, Kans."

Adulteration of the product was alleged in the libel for the reason that it contained 5.93 per cent of a foreign material consisting chiefly of screenings which had been substituted wholly or in part for the genuine article, namely, mill run, as commercially known, and said product was further adulterated in that it consisted of 5.93 per cent of a foreign material consisting chiefly of screenings which had been mixed, packed with, and substituted for mill run, as commercially known, so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the label upon the product was false and misleading in that it stated that said product was one commercially known as composed of middlings, shorts, and bran, which is the residue left after flour has been ground from the wheat, whereas, in truth and in fact, the product contained 5.93 per cent of a foreign material consisting chiefly of screenings which had been mixed and packed with and substituted for mill run, and it was further misbranded in that it was offered for sale under the distinctive name of mill run, which is commercially known as a product composed of middlings, shorts, and bran, remaining after flour has been ground from the wheat, whereas, in truth and in fact, it was not mill run, but contained 5.93 per cent of a foreign material consisting chiefly of screenings which had been mixed and packed with and substituted for mill run, and it was further misbranded in that the label thereon misled and deceived the purchaser into the belief that he was purchasing mill run, commercially known as hereinbefore described, whereas, in truth and in fact, said product contained 5.93 per cent of a foreign material, consisting chiefly of screenings.

On May 10, 1913, the said Kansas Flour Mills Co., claimant, having admitted the allegations in the libel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal, or, in lieu thereof, that it should be redelivered to said claimant upon payment of all costs of the proceedings and execution of bond in the sum of $650 in conformity with section 10 of the act. (It is the view of this department that mill run is commercially known as a product composed of middlings, shorts, and bran, remaining after flour has been ground from the wheat, as it goes to the rolls.)

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3072. Adulteration and misbranding of mixed feed. U. S. v. 4,800 Sacks of Mixed Feed. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5153. S. No. 1762.)

On April 18, 1913, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4,800 sacks of mixed feed remaining unsold in the original unbroken packages and in possession of the Joplin Hay Co., Joplin, Mo., alleging that the product had been shipped by the Rea-Patterson Milling Co., Arkansas City, Kans., from the State of Kansas into the State of Missouri, on January 9, January 13, January 16, January 18, January 21, February 7, February 11, February 12, and February 15, 1913, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "99 lbs. when packed. Mixed Feed. S P Sweet and Pure. Trade Mark. Registered. No. 64755. Ingredients Bran and Shorts. Guaranteed by the Rea-Patterson Milling Co. under the Food and Drugs Act June 30, 1906. Serial No. 16555. Guaranteed Analysis Fat 3.50 Protein 14.52 Carbo hydrates 57.33 fibre 7.90 The Rea-Patterson Milling Co. Coffeyville, Kan."

Adulteration of the product was alleged in the libel for the reason that each of the sacks contained 6.78 per cent of a foreign material consisting of cracked wheat and screenings which had been mixed, packed with, and substituted for bran and shorts so as to reduce, lower, and injuriously affect its quality and strength. Misbranding

was alleged for the reason that the labels upon the sacks were false and misleading in that the product purported to be a product consisting of bran and shorts, when, in truth and in fact, it consisted of bran, shorts, cracked wheat, and screenings. Misbranding was alleged for the further reason that the label and brand upon the sacks deceived and misled the purchaser into the belief that the product consisted of bran and shorts, whereas it consisted of bran, shorts, cracked wheat, and screenings.

On April 24, 1913, the said Rea-Patterson Milling Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal. It was provided, however, that the 38 sacks of the product that had been seized should be redelivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of $150 in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3073. Adulteration of wheat bran. U. S. v. 400 Sacks Soft Winter Wheat Bran. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5162. S. No. 1769.)

On April 17, 1913, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 sacks, each containing 100 pounds of a product purporting to be soft winter wheat bran, remaining unsold in the original unbroken packages and in possession of the Cumberland Valley Railroad, Dillsburg, Pa., alleging that the product had been shipped on or about December 25, 1912, to Bernet Kraft & Kaufman Mill Co., notify Jonas F. Ebey & Son, Lancaster, Pa., and transported from the State of Missouri into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it was shipped as wheat bran, thereby indicating and publishing and intending thereby to publish and declare that the contents of each sack was wheat bran, whereas, in truth and in fact, it was not such genuine wheat bran, but contained 26.47 per cent of foreign matter, consisting almost entirely of wheat screenings which had been mixed and packed with and substituted for wheat bran so as to reduce or lower or injuriously affect its quality and strength.

On May 8, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3074. Adulteration and misbranding of Majestic Beer. U. S. v. Independent Brewing Co. Plea of non vult contendere. Fine, $50 and costs. (F. & D. No. 5163. I. S. No. 1308-e.)

On November 7, 1913, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against the Independent Brewing Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on September 12, 1912, from the State of Pennsylvania into the State of New Jersey, of a quantity of a product described as Majestic beer, which was adulterated and misbranded. The product was labeled: (Tin top) "Drink Majestic Beer." (Molded in shoulder of bottle) "Independent B. Co." (Paper label) "Brewed from choice malt and hops. Pilsener type. Majestic Light Beer. The Independent Brewing Co., Philadelphia, Pa. Registered U. S.

Patent Office." (Molded in bottom of bottle) "The Independent Brewing Co., Phila." (On shipping package, two sides) "Drink Majestic Beer." (Paper paster on side) "When empty return to the Independent Brewing Co., 3036 North Sixth St., Philadelphia. Mr. Geo. Strang, Swedesboro, N. J."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	3.45
Extract (per cent by weight)	5.65
Extract original wort (per cent by weight)	11.17
Degree fermentation	49.42
Volatile acid as acetic (grams per 100 cc)	0.012
Total acid as lactic (grams per 100 cc)	0.216
Maltose (per cent)	1.82
Dextrin (per cent)	2.86
Ash (per cent)	0.173
Proteid (per cent)	0.304
P_2O_5 (per cent)	0.054
Undetermined (per cent)	0.50
Polarization, undiluted, 200 mm tube (°V.)	+41.0
Color (degrees in $\frac{1}{4}$-inch cell, Lovibond)	4

Adulteration of the product was alleged in the information for the reason that, whereas it purported to be beer brewed from pure malt and hops, a certain other substance, to wit, a product brewed from malt, hops, and corn flakes, and colored with caramel, was substituted for it. Misbranding was alleged for the reason that the label on each of the bottles bore a certain statement, to wit, "Brewed from choice malt and hops," which said statement was deceiving and misleading to the purchaser in that it conveyed the thought and meaning that the beer was brewed from choice malt and hops, as therein stated, whereas, in truth and in fact, the said beer was not brewed from choice malt and hops, but, on the contrary thereof, was brewed from malt, hops, and corn flakes, and contained an added ingredient as a coloring matter, to wit, caramel.

On December 8, 1913, the defendant company entered a plea of non vult contendere, and the court imposed a fine of $50 and costs. The basis of the charges of adulteration and misbranding, as reported by this department to the Department of Justice, was that the product was not brewed solely from barley, malt, and hops, but was brewed from hops, barley, malt, and some other cereal or cereal product.)

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3075. Adulteration and misbranding of beer. U. S. v. Jung Brewing Co. Plea of guilty. Fine, $50. (F. & D. No. 5166. I. S. Nos. 36610-e, 37907-e.)

On June 11, 1913, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Jung Brewing Co., a corporation, Milwaukee, Wis., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 22, 1912, from the State of Wisconsin into the State of Illinois, of a quantity of beer which was adulterated and misbranded. The product was labeled: (On neck) "Brewed from Choice Malt and Hops. Jung Milwaukee." (Main label) "Capacity about 13½ oz. None Genuine except that which bears this trade mark. Jung Milwaukee Trade Mark Export Beer Brewed and Bottled by Jung Brewing Company, Milwaukee, Wis." (On neck) "Brewed from Choice Malt & Hops, Jung Milwaukee." (Main label) "Capacity about 13½ oz. None genuine except that which bears this trade mark. Jung Milwaukee Trade Mark Pilsener Style Beer, Brewed & Bottled by Jung Brewing Company, Milwaukee, Wis."

Analysis of a sample of the export beer by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	4.08
Extract (per cent by weight)	4.61
Extract original wort (per cent by weight)	11.13
Degree fermentation	58.58
Volatile acid as acetic (grams per 100 cc)	0.014
Total acid as lactic (grams per 100 cc)	0.144
Maltose (per cent)	1.25
Dextrin (per cent)	2.45
Ash (per cent)	0.136
P_2O_5 (per cent)	0.053
Proteid (per cent)	0.384
Undetermined (per cent)	0.39
Polarization, undiluted, 200 mm tube (°V.)	+32.4
Color (degrees in ¼-inch cell, Lovibond)	3.5

Analysis of a sample of the product, "Pilsener Style Beer," by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	4.25
Extract (per cent by weight)	4.61
Extract original wort (per cent by weight)	11.41
Degree fermentation	59.60
Volatile acid as acetic (grams per 100 cc)	0.007
Total acid as lactic (grams per 100 cc)	0.135
Maltose (per cent)	1.27
Dextrin (per cent)	2.30
Ash (per cent)	0.135
Proteid (per cent)	0.397
P_2O_5 (per cent)	0.054
Polarization, undiluted, 200 mm tube (°V.)	+32.4
Undetermined (per cent)	0.41
Color (degrees in ¼-inch cell, Lovibond)	7

Adulteration of these products was alleged in the information for the reason that there had been mixed therewith a cereal which had been substituted wholly or in part for hops and barley malt; that is to say, a product known as corn meal or corn grits had been substituted for barley malt and hops so that the product was not a beer brewed from "choice malt and hops," as indicated by the label thereof, but was a beer prepared from materials other than malt and hops, that is to say, was a beer brewed in part from a substitute for malt, that is to say, from a cereal or corn-meal product which had been substituted as aforesaid in the manufacture, preparation, and brewing of said products. Misbranding was alleged for the reason that the labels on the products were false and misleading for the reason that the statement "Brewed from Choice Malt and Hops" led purchasers to believe and was calculated and intended to so lead them to believe that the product was a genuine Pilsener beer and brewed exclusively from choice malt and hops, whereas, in truth and in fact, it was made and brewed from materials other than malt and hops, that is to say, it was, in truth and in fact, made and brewed from hops and barley malt with the addition thereto of a certain corn-meal or corn-grit product.

On June 14, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of $50.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3076. Adulteration and misbranding of corn chops. U. S. v. R. J. House. Plea of guilty. Fine of $50 and costs. (F. & D. No. 5167. I. S. No. 5632-e.)

On June 20, 1913, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against R. J. House, doing business under the name of R. J. House & Co., Kansas City, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 25, 1912, from the State of Missouri into the State of Arkansas, of a quantity of corn chops which was adulterated and misbranded. The product was labeled: "100 Lbs. Corn Chops Manufactured by Western Grain Co. Kansas City, Mo. Guaranteed Analysis:

Protein	9.00 Per Cent
Fat	3.00 Per Cent
Crude Fiber	3.50 Per Cent
Carbohydrates	70.00 Per Cent

Ingredients Ground Corn Only."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the presence of 0.826 per cent of sand in the sample. Adulteration of the product was alleged in the information for the reason that a substance—to wit, sand—had been mixed and packed with it in such a manner as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a substance, to wit, sand, had been substituted in part for corn chops. It was alleged in the information that the product was misbranded in the following particulars:

(1) In that the statements "100 Lbs. Corn Chops" and "Ingredients Ground Corn Only," contained on the labels attached to the sacks and each of them, were false and misleading because they conveyed the impression that the product consisted solely of ground corn, whereas, in truth and in fact, it was not such, but was a mixture of ground corn and sand.

(2) In that the sacks and each of them were labeled and branded so as to deceive and mislead the purchaser, being labeled and branded "100 Lbs. Corn Chops. Ingredients Ground Corn Only," thereby implying and intending that the purchasers should thereby understand that the product consisted solely of ground corn, whereas, in truth and in fact, the sacks, and each of them, contained ground corn and sand.

On December 20, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of $50 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3077. Adulteration of canned salmon. U. S. v. 24 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5168. S. No. 1780.)

On April 19, 1913, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 cases, each containing 24 cans of salmon, remaining unsold in the original unbroken packages and in possession of the International Grocery Co., a corporation, Indianapolis, Ind., alleging that the product had been shipped from the State of Missouri into the State of Indiana, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "4 doz. talls Archer Brand Alaska Salmon. Packed for A. B. Field & Co., Inc., Agents. San Francisco."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, putrid, and decomposed animal substance.

On September 26, 1913, the case having come on to be heard on the libel and the decree pro confesso theretofore entered, and the court having considered the same,

judgment of condemnation and forfeiture was entered and it was ordered that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3078. Adulteration and misbranding of beer. U. S. v. Evansville Brewing Association. Plea of guilty. Fine, $100 and costs. (F. & D. No. 5169. I. S. No. 1005-e.)

At the November, 1913, term of the District Court of the United States for the District of Indiana, the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against the Evansville Brewing Association, a corporation, Evansville, Ind., charging shipment by said association, in violation of the Food and Drugs Act, on September 20, 1912, from the State of Indiana into the State of Louisiana, of a quantity of beer which was adulterated and misbranded. The product was labeled: "Finest barley, malt and choicest hops. Contents 10 ounces liquid alcohol content 3.7%. Good Luck Brand. Trade Mark. Evansville Brewing Ass'n, Incorporated. Rheingold Beer. Brewed and Bottled by Evansville Brewing Ass'n, Evansville, Ind. Guaranteed by the Evansville Brewing Association under the Food & Drugs Act June 30, 1906. Serial No. 11241."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	3.41
Extract (per cent by weight)	5.33
Extract original wort (per cent by weight)	10.77
Degree fermentation	50.77
Volatile acid, as acetic (grams per 100 cc)	0.010
Total acid, as lactic (grams per 100 cc)	0.103
Maltose (per cent)	1.77
Dextrin (per cent)	2.50
Ash (per cent)	0.13
Proteid (per cent)	0.354
P_2O_5 (per cent)	0.048
Undetermined (per cent)	0.57
Polarization, undiluted, 200 mm tube (°V.)	+39.6
Color (degrees in $\frac{1}{4}$-inch cell, Lovibond)	3

Adulteration of the product was charged in the indictment for the reason that a product brewed from barley, malt, hops, and other cereal products had been substituted in part for a product brewed from hops and malt. Misbranding was alleged for the reason that the statement, "Finest Barley Malt and Choicest Hops," so printed and apparent on the labels attached to the bottles containing the product, regarding the ingredients contained therein, was false and misleading, in that the said product was not brewed only of the finest barley, malt, and choicest hops, but, in truth and in fact, said product was brewed from barley, malt, hops, and cereal products.

On December 16, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3079. Adulteration and misbranding of special pure lemon and lemon mixture. U. S. v. 4 Dozen Bottles Special Pure Lemon and 10 Dozen Bottles of Eclipse Lemon Mixture. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5178. S. No. 1772.)

On April 24, 1913, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the

United States for said district libels for the seizure and condemnation of 4 dozen 2-ounce bottles of so-called special pure lemon and 10 dozen 8-ounce bottles of so-called eclipse lemon mixture, remaining unsold in the original unbroken packages and in possession of the Library Tea Co., Detroit, Mich., alleging that the product had been shipped on or about August 13, 1912, by the Miller Eberhard Co., Cleveland, Ohio, and transported from the State of Ohio into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The so-called special pure lemon was labeled: "Special pure Lemon for flavoring ice cream, cake, custards pastry etc Schorndorfer & Eberhard. Cleveland, O."

It was alleged in the libel that this article was adulterated in violation of section 7 of the Food and Drugs Act for the reason that said packages and each of them were by the labels appearing on the face of each of the bottles, to wit, "Special Pure Lemon," labeled and branded so as to deceive and mislead the purchaser thereof, in that said food product so labeled as aforesaid was not special pure lemon at all, but consisted of a dilute extract of lemon which had been mixed and packed with and substituted for lemon extract so as to reduce or lower or injuriously affect its quality and strength, and that the branding and labeling aforesaid constituted a misbranding within the meaning of said act.

The eclipse lemon mixture was labeled: "Eclipse Lemon Mixture, oil lemon 1.16% alcohol absolute 36.00% water 62.84%. The Schorndorfer & Eberhard Co. Cleveland, O."

It was alleged in the libel that this product was adulterated in violation of section 7 of the Food and Drugs Act for the reason that the packages and each of them by the label appearing on the face of each of the bottles, to wit "Eclipse Lemon Mixture," were labeled and branded so as to deceive and mislead the purchaser thereof, in that said food product so labeled as aforesaid was not lemon mixture at all, and did not contain oil of lemon 1.16 per cent, alcohol absolute 36 per cent, and water 62.84 per cent, but contained no oil of lemon whatever, and the quality and strength of the product had been reduced and lowered thereby, and said branding and labeling aforesaid constituted a misbranding within the meaning of said act.

On October 6, 1913, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3080. Adulteration of shelled peanuts. U. S. v. 125 Bags of Shelled Peanuts. Decree of condemnation, forfeiture, and destruction as to part of the product; remainder ordered released to claimant. (F. & D. No. 5180. S. No. 1784.)

On April 24, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on May 19, 1913, an amendment to the original libel, for the seizure and condemnation of 125 bags of shelled peanuts remaining unsold in the original unbroken packages at the Pennsylvania Railroad freight depot, Chicago, Ill., alleging that the product had been shipped by the Carolina Peanut Co., Weldon, N. C., and transported from the State of North Carolina into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "No. 2 Spanish Shelled Peanuts."

Adulteration of the product was alleged in the libel and amendment to the libel for the reason that it consisted wholly and in part of a filthy, decomposed, and putrid vegetable substance.

On April 25, 1913, James R. Baker & Co., a corporation, claimant, filed its answer to the libel, denying the charges of adulteration and praying that the libel be dismissed and the product released from seizure. On May 26, 1913, the court having

heard and considered the original libel as amended and the answer of the claimant, and having heard the testimony of witnesses and the arguments of counsel, and being fully advised in the premises, found in part as follows: That the product arrived at Portsmouth, Ohio, on or about March 26, 1913, and remained at said city until on or about April 6, 1913. That during said period, from March 28, 1913, until April 6, 1913, the said city of Portsmouth was wholly or in part submerged by flood waters which were contaminated with fecal matter and sewerage pollution. That the railroad car containing the product was submerged in said waters to a depth of approximately 8 inches and the bags upon the floor of said car containing the shelled peanuts were immersed in said flood waters to a distance of approximately 3 inches from the bottom of the bags containing the article. That the product was thereafter transported to the city of Chicago and delivered at the Pennsylvania depot in said city on or about April 16, 1913. The court further found, as a conclusion of law, from the foregoing special findings of fact, that the product was adulterated, in that it consisted in part of a filthy and decomposed vegetable substance.

It further appearing to the court that for the purpose of preserving such quantity of the product as might upon final determination be found to be not filthy and decomposed, an order was on May 7, 1913, duly entered authorizing the separation of the portion of the product which should appear not to be filthy, decomposed, and unfit for food, and such separation was made pursuant to the order of the court, it was therefore ordered, adjudged, and decreed that the product heretofore separated pursuant to the order of the court and designated as filthy, decomposed, and unfit for food be declared to be condemned and confiscated to the United States and destroyed by the United States marshal, and it was further ordered, adjudged, and decreed that the quantity of the product separated and designated as not filthy, decomposed, and unfit for food be declared released to said claimant.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3081. Adulteration of tomato paste. U. S. v. 5 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5184. S. No. 1788.)

On April 29, 1913, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 100 cans of tomato paste, remaining unsold in the original unbroken packages and in possession of Stone-Ordean-Wells Co., Duluth, Minn., alleging that the product had been shipped by the Ignatius Gross Co., New York, N. Y., and transported from the State of New York into the State of Minnesota, being received by the said Stone-Ordean-Wells Co. on or about December 23, 1912. The product was labeled: "Conserva di Tomate—Packed by our Special Process—(Picture design of red ripe tomatoe Rossa)—Guaranteed by American Conserve Co. under the Food and Drugs Act, June 30, 1906, Serial number 9270—Containing 1/10 of 1 percent of Benzoate of Soda and 15 percent salt—This can contains 15 Oz. net Weight Tomatoe Conserve—American Conserve Co. New York. Directions * * * (Picture design of medals and American and Italian flags.)"

Adulteration of the product was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance and was unfit for food.

On July 20, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3082. Adulteration of tomato catsup. U. S. v. 850 Cases of Tomato Catsup. Product released on bond. (F. & D. No. 5185. S. No. 1789.)

On April 28, 1913, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 850 cases of tomato catsup remaining unsold in the original unbroken packages and in possession of the C. Shenkberg Co., Sioux City, Iowa, alleging that the product had been shipped from the State of Kansas into the State of Iowa, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "Silver Leaf Brand Tomato Catsup Manufactured by Otto Kuehne Preserving Co., Topeka, Kans.;" (on jars and bottles) "Trade Mark Registered, Silver Maple Leaf design, Silver Leaf Brand Tomato Catsup, contains 1/10 of 1 per cent benzoate of soda. Prepared by Otto Kuehne Preserving Co., Topeka, Kans."

Adulteration of the product was alleged in the libel for the reason that the cases, jars, and bottles each contained a product that consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance which was deleterious to health and wholly unfit for human food.

On June 7, 1913, the Otto Kuehne Co., claimant, Topeka, Kans., having petitioned the court to release and have delivered to them the product, it was ordered by the court that the product should be delivered to said company upon payment of the costs of the proceedings and the execution of bond in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3083. Adulteration and misbranding of tomato conserve. U. S. v. 75 Cases of Tomato Conserve. Decree of condemnation by consent. Product released on bond. (F. & D. No. 5186. S. No. 1790.)

On April 28, 1913, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 cases of tomato conserve, remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that the product had been shipped on or about March 26, 1913, consigned to Giurlani Bros. Co., San Francisco, Cal., and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cans in 50 cases of the product were labeled: "Conserva di Tomate—Packed by our special process. Rossa—Guarantee Legend. Tomato Conserve—American Conserve Company, New York. This can contains 15 ounces net weight. Contains 1/10 of 1% benzoate of soda and 15% of salt." The cans in the remaining 25 cases of the product were labeled in exactly the same manner except that the expression "This can contains 4 pounds and 12 ounces net weight" appeared in lieu of announcement that package contained 15 ounces.

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance. Misbranding was alleged for the reason that the product was labeled to contain 15 ounces, and 4 pounds and 12 ounces, respectively, whereas examination revealed that the retail units were from 5.1 to 12.9 per cent short in weight.

On May 2, 1913, Ignatius Gross, New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product should be released and delivered to said claimant upon payment of all costs of the proceedings, and execution of bond in the sum of $800 in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3084. Adulteration of mushrooms. U. S. v. 3 Bales Dried Mushrooms. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5187. S. No. 1786.)

On April 30, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 bales of dried mushrooms, 2 of said bales weighing 403 pounds and 1 bale weighing 220 pounds, remaining unsold in the original unbroken packages and in possession of The Northwestern Storage Warehouse, Chicago, Ill., alleging that the product had been shipped by K. Marks & Co., New York, N. Y., on November 8, 1912, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal and vegetable substance.

On June 17, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by fire by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3085. Adulteration of tomato conserve. U. S. v. 25 Cases of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5188. S. No. 1792.)

On May 11, 1913, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of tomato conserve remaining unsold in the original unbroken packages and in possession of the Denver & Rio Grande Railway Co., Salt Lake City, Utah, alleging that the product had been shipped by Ignatius Gross Co., New York, N. Y., on or about April 8, 1913, and transported from the State of New York into the State of Utah, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "Order of I. Gross Co. Notify N. K. Nassilacopoulos, Salt Lake City, Utah." (On cans) "Tomato Conserve—American Conserve Co. New York. I. G. Conserva Di Tomate Packed by our special process. Rossa Guaranteed by American Conserve Co. under the Food and Drugs Act, June 30, 1906. Serial No. 9270. Containing 1-10 of 1% of Benzoate of Soda and 15% of Salt."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On July 1, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3086. Misbranding of beer. U. S. v. 25 Cases of Beer. Decree of condemnation by default. Product ordered sold or destroyed. (F. & D. No. 5189. S. No. 1793.)

On April 29, 1913, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing 2 dozen bottles of beer, remaining unsold in the original unbroken packages and in the possession of the Ernst Tosetti Brewing Co., Milwaukee, Wis., alleging that the product had been shipped on April 12, 1913, by the said Ernst Tosetti Brewing Co., Chicago, Ill., and transported in interstate commerce from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On neck) "Pale Pilsener Style—Tosetti

Process" (On main label) "Tosetti process—Real German Beer—Brewed and bottled at the Brewery shown below by Ernst Tosetti Brewing Co. (Picture of Brewery) Chicago, U. S. A.—this beer should be kept in a cool dark place with bottles in horizontal position. Notice to public; this beer is brewed from the finest Bohemian hops and choicest Western Malts. The hops are imported from the famous town of Saaz. (Known the world over as the biggest hop center, where the climatic conditions together with the soil, produce the very finest vines, therefore, the dealers selling this beer either in bottles or on draught give the greatest value for the money. It costs the dealer more than any American beer on account of the material used, its absolute purity and great age. Guaranteed by the Ernst Tosetti Brewing Co. under the food and drugs act June 30, 1906. Serial number 3618)."

Misbranding of the product was alleged in the libel for the reason that the bottles containing it bore certain representations and statements regarding it and the ingredients and substances contained therein which were false and misleading, and among said false and misleading statements was the following, to wit, "This beer is brewed from the finest Bohemian hops and choicest Western Malts. The hops are imported from the famous town of Saaz," appearing on the label was calculated to convey the impression and deceive the public into believing, and caused and led buyers and consumers thereof to believe that the product was manufactured and made only from the finest Bohemian hops and choicest western malts, whereas, in truth and in fact, the beer was not made and manufactured from Bohemian hops imported from the famous town of Saaz or from any town in Bohemia, and in the manufacture of said product a cereal or cereal product and not a malted product had been used and substituted for malted barley. Misbranding was alleged for the reason that the statement "Real German Beer" appearing on the label was calculated by the use of said expression to convey the impression and deceive the public into the belief and caused and led buyers and consumers thereof to believe that the product was a malted beer, made and manufactured from malt, whereas, in truth and in fact, some cereal product or sugar had been substituted for malt and malted barley.

On June 12, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal, or, if not sold, should be destroyed. (When this case was reported for action no claim was made by this department that "the beer was not made and manufactured from Bohemian hops imported from the famous town of Saaz or from any town in Bohemia.")

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3087. Misbranding of coffee. U. S. v. 6 Canisters of Coffee and Chicory. Decree of condemnation by consent. Product released on bond. (F. & D. No. 5190. S. No. 1794.)

On May 6, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said District a libel for the seizure and condemnation of 6 canisters, each purporting to contain 60 pounds of coffee and chicory, remaining unsold in the original unbroken packages, and in possession of the Lewis Transfer Co., Memphis, Tenn., alleging that the product had been shipped on or about April 25, 1913, by Jaburg Bros., New York, N. Y., and transported from the State of New York into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act. The product was labeled "60 Lbs. net. C. C. Blend—Jaburg Bros., Coffees, New York." "Jaburg—Perfection—Coffee. Jaburg Bros., New York. Jaburg Bros. Specialist in hotel and lunch room coffees, 1 & 3 Worth St., 10 & 12 Leonard St., New York. Notice.—Please be careful with cans and crates and return in lots of six—Coffee and chicory."

Misbranding of the product was alleged in the libel for the reason that the manner of declaring the true nature thereof on shipping containers was false and misleading, as the strip labels bearing the statement "Coffee and chicory" must be destroyed in order to open said containers, which leaves the remaining labels on the canisters indicating only that the contents thereof was coffee, and for the further reason that the principal label on the canisters did not bear a statement that the contents thereof was in part chicory.

On May 23, 1913, the said Jaburg Bros., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimants upon payment of all costs of the proceedings, amounting to $20.45, and the execution of bond in the sum of $250, in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3088. Adulteration and misbranding of vanilla extract. U. S. v. 2 Kegs of Vanilla Extract. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5192. S. No. 1796.)

On May 1, 1913, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 keg, containing 10 gallons, and 1 keg, containing 5 gallons, of a product purporting to be prime vanilla extract, remaining unsold in the original unbroken packages and in possession of Thomas Magremas, Gary, Ind., alleging that the product had been transported from the State of Illinois into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The kegs were labeled and branded: "Prime Vanilla Extract made from the extractive matter of prime vanilla beans and sweetened with cane sugar Aged in wood . Made by the Hudson Mfg. Co. Chicago, U. S. A."

Adulteration of the product was alleged in the libel for the reason that a dilute vanilla extract, fortified with artificial vanillin, had been mixed and packed with said product and substituted for said product so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the statements on the marks, brands, and labels on the kegs as to the ingredients and substances contained in the product and packed in said kegs, purporting to be prime vanilla extract, were false and misleading, in that, in truth and in fact, the product was not a prime vanilla extract but a dilute vanilla extract, fortified with vanillin, which had been mixed with and packed with and substituted for prime vanilla extract, and the statements contained on the marks, brands, and labels aforesaid were calculated to deceive and mislead the purchaser thereof.

On September 26, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal after removal and obliteration of all marks and brands apparent thereon, and the substitution therefor of the following label: "Dilute Extract of Vanilla."

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3089. Misbranding of vinegar. U. S. v. 13 Barrels of Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5194. S. No. 1773.)

On May 3, 1913, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 13 barrels of vinegar remaining unsold in the original unbroken packages and in possession of Ragon Bros.,

a corporation, Evansville, Ind., alleging that the product had been transported from the State of Ohio into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Home made brand Pure Fermented Apple Vinegar. Made for Ragon Brothers, Evansville, Ind. Guaranteed by Old Kentucky Cider Vinegar Works, Covington, Ky. Made 10–12–12. Reduced to 40 grain. Guaranteed to comply with the Pure Food Law." Five of the barrels were also marked "49 gals." Eight of the barrels were marked "50 gals."

Misbranding of the product was alleged in the libel for the reason that the statements, brands, and marks on the outside of the packages regarding the measure in net gallons of the contents of said barrels were false and misleading in that the statements and the marks, brands, and labels on said barrels, as to the net contents in gallons of vinegar contained in said barrels, were incorrect, whereas, in truth and in fact, said barrels contained 8.43 per cent less vinegar in net gallons than the amount indicated by the measures marked on said barrels indicating the net gallon contents thereof, and that the variations between the marks, brands, and labels on said barrels, indicating the net contents in gallons, and the actual net contents in gallons of said barrels, were not reasonable variations, and that said barrels were not small packages.

On June 5, 1913, no claimant having appeared for the property, a decree pro confesso was entered, and on September 26, 1913, the case having come on for final hearing on the libel and the said decree pro confesso, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal after the removal and obliteration of the figures indicating the net gallons contained in the barrels.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3090. Misbranding of beer. U. S. v. Rudolph Stecher Brewing Co. Plea of guilty. Fine, $25 and costs. (F. & D. No. 5195. I. S. No. 5022-e.)

On November 14, 1913, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Rudolph Stecher Brewing Co., a corporation, Murphysboro, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on November 7, 1912, from the State of Illinois into the State of Missouri, of a quantity of beer which was misbranded. The product was labeled: "Guaranteed by Rudolph Stecher Brewing Co. under the Food & Drugs Act, June 30th, 1906, Serial No. 19731. Brewed from the finest barley & German hops. Quality unexcelled Purity Guaranteed Heidelberg Style Export Beer Bottled by Rudolph Stecher Brewing Co. Murphysboro, Ill."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	3.75
Extract (per cent by weight)	5.60
Extract original wort (per cent by weight)	11.60
Degree fermentation	51.73
Volatile acid as acetic (grams per 100 cc)	0.012
Total acid as lactic (grams per 100 cc)	0.135
Maltose (per cent)	2.30
Dextrin (per cent)	2.42
Ash (per cent)	0.12
Proteid (per cent)	0.233
P_2O_5 (per cent)	0.036
Undetermined (per cent)	0.53
Polarization, undiluted, 200 mm. tube	+41
Color (degrees in ¼-inch cell, Lovibond)	3

Misbranding of the product was alleged in the information for the reason that the product was branded so as to deceive and mislead the purchaser thereof by having on each of the bottles the label set forth above, which said statement on the labels and bottles of beer would mislead the purchaser thereof into believing that the beer was brewed solely and only from barley and German hops, whereas, in truth and in fact, the said beer was not brewed solely and only from barley and German hops, but, on the contrary, the said beer was brewed from barley, German hops, and rice. Misbranding was alleged for the further reason that the statement on the labels on the bottles of beer aforesaid would mislead the purchaser into believing that the beer was brewed solely and only from barley and German hops, whereas, in truth and in fact, the said beer was not brewed solely and only from barley and German hops, but, on the contrary, was brewed from barley, German hops, rice, corn, and sugar. Misbranding was alleged for the further reason that the statement on the labels on the bottles of beer would mislead the purchaser thereof into believing that it was brewed solely and only from barley and German hops, whereas, in truth and in fact, it was not brewed solely and only from barley and German hops, but, on the contrary, it was brewed from barley, German hops, and some cereal other than barley and German hops, the exact nature of said cereal being unknown, and which therefore could not be more particularly described in the information. (The basis of the charge of misbranding, as reported by this department to the Department of Justice, was solely that the product had not been "brewed exclusively from barley, malt, and hops, but from barley, malt, and hops, and some other cereal or cereal product.")

On January 20, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of $25 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3091. Misbranding of vinegar. U. S. v. 55 Barrels, More or Less, Vinegar. Decree of condemnation. Product released on bond. (F. & D. No. 5196. S. No. 1775.)

On May 3, 1913, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 55 barrels of vinegar, remaining unsold in the original unbroken packages and in possession of Ragon Bros., Evansville, Ind., alleging that the product had been transported from the State of Ohio into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Elks Pride Brand Cider Vinegar. Made by The Harbauer Company, Toledo, Ohio, March 11, 1913. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 8904. Made from apple juice diluted to 4% acidity." The barrels were also marked with figures indicating the net contents in gallons of said barrels, as follows, to wit, 3 barrels with the figures "44"; 2 barrels with the figures "45"; 5 barrels with the figures "46"; 3 barrels with the figures "47"; 10 barrels with the figures "48"; 11 barrels with the figures "49"; 4 barrels with the figures "50"; 2 barrels with the figures "51"; 4 barrels with the figures "52"; 3 barrels with the figures "53"; 6 barrels with the figures "54"; 2 barrels with the figures "55."

Misbranding of the product was alleged in the libel for the reason that the statements, brands, and marks on the barrels regarding the measure in net gallons of the contents of the barrels were false and misleading in that the statements as to the net contents and gallons of vinegar contained in the barrels were incorrect; that, in truth and in fact, said barrels contained 6.13 per cent less vinegar in net gallons than the amount indicated by the figures marked on the barrels indicating the net gallon contents thereof, and the variations between the marks, brands, and labels indicating the net contents in gallons and the actual net contents in gallons of said barrels were not reasonable variations and said barrels were not small packages.

On May 15, 1913, The Harbauer Co., Toledo, Ohio, claimant, having entered its appearance and the case coming on for hearing, judgment of condemnation was was entered and it was ordered by the court that the product should be sold by the United States marshal after the obliteration of all marks, brands, and labels as to the contents of the barrels. It was provided, however, in the order of the court that the product should be released to said claimant upon payment of all costs of the proceedings and the execution of bond in the sum of $600 in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3092. Adulteration and misbranding of strawberry flavor. U. S. v. Maury-Cole Co. Plea of guilty. Fine, $25 and costs. (F. & D. No. 5199. I. S. No. 1247-e.)

On August 11, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said District an information against the Maury-Cole Co., a corporation, Memphis, Tenn., alleging the sale under a guarantee by said company for shipment in interstate commerce, in violation of the Food and Drugs Act, on or about August 1, 1912, of a quantity of strawberry flavor which was adulterated and misbranded. The information further alleged that the purchaser of the product afterward shipped the same in the original unbroken packages from the State of Tennessee into the State of Arkansas. The product was labeled (on cartons): "Choctaw Brand, Flavoring, Strawberry. (Guaranty Legend.) Serial No. 1126. Put up by Maury-Cole Co., Memphis, Tenn. Formula on bottle," and on the flaps of said carton, the words: "Choctaw Brand, Strawberry" (on bottles) "Choctaw Brand. Imitation Flavoring, Strawberry. Manufactured and guaranteed by Maury-Cole Co., Memphis, Tenn. Serial No. 1126. Harmless coloring."

Adulteration of the product was alleged in the information for the reason that a substance, to wit, an imitation of strawberry flavor, had been mixed and packed with said article of food in such manner as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that a substance, to wit, an imitation strawberry flavor, had been substituted in whole or in part for the genuine article, and for the further reason that it was colored in a manner whereby its inferiority was concealed. Misbranding was alleged in the libel for the reason that the statement "Flavoring Strawberry," borne on the carton, and the statement "Strawberry," borne on the bottle, were false and misleading because they conveyed the impression that the product was a genuine strawberry flavor, whereas, in truth and in fact, it was not a genuine strawberry flavor, but an imitation of strawberry flavor, the word "Imitation" which appeared inconspicuously on the label on the bottle being insufficient to correct the false impression conveyed by the statements "Flavoring of Strawberry" and "Strawberry."

On November 13, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of $25, with costs of $15.85.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3093. Adulteration of tomato conserve. U. S. v. 50 Cases of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5201. S. No. 1798.)

During the month of May, 1913, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of tomato conserve, remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that the product had been shipped on February 5, 1913,

from Philadelphia, Pa., and transported from the State of Pennsylvania into the State of California, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Tomato Conserve—Conserva di Tomate (design of ripe tomato) Rossa-Flag Brand—Packed according to Pure Food Law—Packed by Coroneos Brothers, Philadelphia, Pa."

Adulteration of the product was alleged in the libel for the reason that it was composed in whole and in part of filthy and decomposed vegetable substance.

On June 10, 1913, no claimant having appeared for the property, judgment of forfeiture and condemnation was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3094. Adulteration and alleged misbranding of beer. U. S. v. Berghoff Brewing Association. Plea of guilty to second count of indictment. Fine, $100 and costs. First count of indictment nolle prossed. (F. & D. No. 5205. I. S. No. 37906-e.)

At the November, 1913, term of the District Court of the United States for the District of Indiana, the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against the Berghoff Brewing Association, a corporation, Fort Wayne, Ind., alleging shipment by said association, in violation of the Food and Drugs Act, on July 15, 1912, from the State of Indiana into the State of Louisiana, of a quantity of beer which was adulterated and alleged to have been misbranded. The product was labeled: (Principal label) "Berghoff Brewing Association Pure Hop and Malt Salvator Beer style Fort Wayne, Ind. Guaranteed by the Berghoff Brewing Assn. under the Food and Drugs Act, June 30, 1906." (Neck label) "This Beer is Brewed Double Strength out of the Choicest Malt and Hops Only. And intended for table use and Especially Recommended by Physicians as very Nourishing and Strengthening to the Sick and Convalescent."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	5.67
Extract (per cent by weight)	7.42
Extract original wort (per cent by weight)	16.50
Degree fermentation	55.03
Volatile acid as acetic (grams per 100 cc)	0.019
Total acid as lactic (grams per 100 cc)	0.243
Maltose (per cent)	2.26
Dextrin (per cent)	3.50
Ash (per cent)	0.216
Proteid (per cent)	0.557
P_2O_5 (per cent)	0.086
Undetermined (per cent)	0.88
Polarization, undiluted, 200 mm tube (°V.)	+50.8
Color (degrees in ¼-inch cell, Lovibond)	19

Adulteration of the product was charged in the second count of the indictment for the reason that a product brewed from malt, hops, and other cereal products had been substituted in part for a product brewed from hops and malt only. Misbranding was charged in the first count of the indictment for the reason that the statements "Pure Hop and Malt Salvator Beer" and "This Beer is Brewed Double Strength out of the Choicest Malt and Hops Only," so printed and apparent on the labels attached to said bottles containing the product aforesaid, regarding the ingredients contained in said bottles aforesaid, were false and misleading in that said product was not

brewed double strength out of the choicest malt and hops, but, in truth and in fact, said product was brewed from malt, hops, and cereal products.

On December 16, 1913, the defendant company entered a plea of guilty to the second count of the indictment, charging adulteration of the product, and the court imposed a fine of $100 and costs. The first count of the indictment, charging misbranding of the product, was nolle prossed.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3095. Misbranding of horse feed. U. S. v. 400 Sacks of Horse Feed. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5211. S. No. 1799.)

On May 8, 1913, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 sacks, each containing 100 pounds of horse feed, remaining unsold in the original unbroken packages, and in possession of the Central Railroad Co. of New Jersey, at Elizabethport, N. J., alleging that the product had been shipped on or about February 20, 1913, by the Virginia Carolina Feed Co., East St. Louis, Ill., and transported from the State of Illinois into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "100 Lbs. Prize Alfalfa Molasses Horse Feed. Mixture corn, alfalfa meal, oats, Molasses, 1 per cent salt. Protein 11.50 per cent. Fat 3.51 per cent. Fibre 5.98 per cent. Carbo 53. per cent. Manufactured for the J. C. Smith and Wallace Co., Newark, New Jersey."

Misbranding of the product was alleged in the libel for the reason that it bore the statement on the label that it contained 11.5 per cent protein, which said label was false and misleading, as the product contained a much less quantity of protein than that indicated by the label. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser into the belief that it contained 11.5 per cent protein, when, in truth and in fact, it contained a much less quantity. Misbranding was alleged for the further reason that the labels thereon were calculated to deceive and mislead the purchaser thereof.

On May 26 and 31, 1913, the said Virginia Carolina Feed Co., having admitted the allegations of the libel and petitioned the court that the product be released to it under bond, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal. It was provided, however, that the product should be released to said claimant upon payment of the costs of the proceedings and the execution of bond in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3096. Misbranding and alleged adulteration of sirup. U. S. v. 5 Barrels and 10 One-half Barrels of Sirup. Decree of condemnation by consent. Product released on bond. (F. & D. No. 5212. S. No. 1801.)

On May 8, 1913, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel for the seizure and condemnation of 5 barrels and 10 one-half barrels, each barrel containing 50 gallons or thereabouts, and each one-half barrel containing about 28 gallons or thereabouts, of sirup, remaining unsold in the original unbroken packages, and in possession of O'Donnell & Co. (Inc.), Sumter, S. C., alleging that the product had been shipped on February 27, 1913, by the D. R. Wilder Manufacturing Co., Atlanta, Ga., and transported from the State of Georgia into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Wilder's Uniform Brand New Crop Syrup. The D. R. Wilder Mfg. Co., Atlanta, Ga."

Adulteration of the product was alleged in the libel for the reason that the product intending and pretending to be pure cane sirup had been mixed and packed with commercial glucose so as to reduce, lower, and injuriously affect the quality and strength of the said sirup; that is to say, the said product contained about 34 per cent of such commercial glucose and only about 66 per cent of pure cane sirup, and such commercial glucose had been substituted in part for pure cane sirup, which said barrels and half-barrels intended and pretended to contain. Misbranding was alleged for the reason that the product was branded and labeled under the distinctive name of "New Crop Syrup," intending and pretending to show that the ingredients, or substance, contained in each of said barrels and half barrels was new crop sirup, whereas, in truth and in fact, it was not so, but was a mixture of cane sirup and commercial glucose in proportion of 66 per cent of cane sirup and 34 per cent of commercial glucose, and the said statement that said product was new crop sirup was false and misleading.

On May 21, 1913, the said D. R. Wilder Manufacturing Co., having filed the answer to the facts pleaded in the libel, judgment of condemnation and forfeiture was entered, the court finding the product misbranded but not adulterated with any poisonous or deleterious substance. It was ordered by the court that the product should be delivered to said claimants upon payment of the costs of the proceedings and the execution of bond in sum of $200 in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

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S. R. A.—Chem. 5, Suppl. Issued September 11, 1914.

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY.
C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.[1]

MAY, 1914.

SUPPLEMENT.[2]

N. J. 3097–3241.

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3097. Misbranding of brandy, Tsipouro "Pharos," and Mastich "Pharos." U. S. v. 10 Cases of Alleged Greek Liquors. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5214. S. No. 1797.)

On May 10, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 1 dozen bottles of a product known as brandy; 2 cases, each containing 1 dozen bottles of Tsipouro "Pharos"; and 3 cases, each containing 1 dozen bottles of Mastich "Pharos," remaining unsold in the original unbroken packages and in possession of N. G. Matalas, Chicago, Ill., alleging that the product had been shipped on April 9, 1913, by Tsouchlos Oriental Distillery Co., New York, N. Y., and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act. The brandy was labeled: (on cases) "Tsouchlos Oriental Distillery Co. Trade Mark Faros 307–309 E. 54th St., New York Brandy" (on bottles) "Oriental Brandy Extra fine From raisins The Tsouchlos Oriental Distillery Co. Direct importer of the Rude Materials from Athens We draw the particular attention of the consumer to that every product of our distillery is always labeled with our trade mark. Beware of imitations The brandy of The Tsouchlos Oriental Distillery Co. is the pure product of raisins and can be compared with the best brandies imported from Europe, especially with those from France. Every bottle must bear the

[1] In conformity with a uniform plan for the issuance of information, instructions, and notices of a regulatory nature by various branches of the department, as prescribed by the Acting Secretary of Agriculture in memorandum No. 57, dated December 26, 1913, this publication will be issued monthly by the Bureau of Chemistry. It covers approximately the month for which it is dated, and each month's issue is expected to appear during the succeeding month. Free distribution will be limited to firms, establishments, and journals especially concerned. Others desiring copies may obtain them from the Superintendent of Documents, Government Printing Office, Washington, D. C., at 5 cents each, or 50 cents a year.

[2] Owing to the large accumulation of Notices of Judgment now awaiting publication, the plan of issuing supplements to the Bureau of Chemistry Service and Regulatory Announcements has been adopted. Such supplements will be published in the future whenever it is necessary to issue an excessive number of Notices of Judgment.

signature of The Tsouchlos Oriental Distillery Co." (Greek characters—representations of coats of arms and medals of award.) The liquor called Tsipouro Pharos was labeled (on cases) "Tsouchlos Oriental Distillery Co. Trade Mark Pharos 307–309 E. 54th St. New York Ouzo" (on bottles) "Tsipouro Pharos It contains Anise Extra Extra Every bottle must bear the signature of The Tsouchlos Oriental Distillery Co." (Greek characters—representations of coats of arms and medals of award). The liquor called Mastich Pharos was labeled (on cases) "Tsouchlos Oriental Distillery Co. Trade Mark Faros 307–309 E. 54th St. New York Mastic" (on bottles) "Mastich Pharos It contains Mastich and Anise. Extra Extra This bottle contains mastika, annisseed, with sugar and alcohol (Ethyl) to the amount of about 30%: and guaranteed by the manufacturer under the Food and Drugs Act of the United States known as Pure Food Law. Registration of trade mark applied for. Guaranteed by the Tsouchlos Oriental Distillery Company under the Food and Drugs Act, June 30, 1906. Serial No. 48921. Every bottle must bear the signature of The Tsouchlos Oriental Distillery Co. (Greek characters—representations of coats of arms and medals of award)."

Misbranding of the products was alleged in the libel for the reason that the statements upon the labels attached to each of the cases in which had been packed the bottles containing the articles of food aforesaid, and the statements, designs, and devices upon the labels aforesaid, attached to each of the bottles, were false and misleading in that the labels purported to state that the articles were foreign products manufactured in Greece, whereas, in truth and in fact, the articles called brandy, Tsipouro Pharos, and Mastich Pharos, respectively, were not manufactured in Greece, but were manufactured in the city of New York, in the State of New York, in the United States of America. Misbranding of the products was alleged for the further reason that the statements, designs, and devices upon the labels attached to each of the bottles misled and deceived the purchaser into the belief that the articles were foreign products, manufactured in Greece, whereas, in truth and in fact, the articles, to wit, the liquors or beverages called brandy, Tsipouro Pharos, and Mastich Pharos, respectively, were not manufactured in Greece, but were manufactured in the city of New York, in the State of New York, in the United States of America. Misbranding was alleged for the further reason that the statements, designs, and devices upon the labels attached to each of the bottles were false and misleading in that the labels purported to state that the articles of food contained in the bottles were foreign products, manufactured in Greece, whereas, in truth and in fact, the articles of food aforesaid, to wit, the liquors or beverages called brandy, Tsipouro Pharos, and Mastich Pharos, respectively, were not manufactured in Greece, but were manufactured in the city of New York, in the State of New York, in the United States of America, and were imitations of the liquors or beverages known as Oriental brandy, Tsipouro Pharos, and Mastich Pharos, respectively, and were offered for sale under the distinctive names of other articles of food, to wit, Oriental brandy, Tsipouro Pharos, and Mastich Pharos, respectively.

On June 10, 1913, the said N. G. Matalas filed his answer, admitting all the material allegations of the libel, and the court, having read and considered the same and having heard the arguments of counsel and being fully advised in the premises, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal.

It appearing, however, that the product could be relabeled and re-marked and sold again not in violation of the law, it was further ordered that the product should be surrendered and delivered to said claimant upon payment of the costs of the proceedings, the execution of bond in the sum of $250, in conformity with section 10 of the act, and the relabeling of the product.

It was ordered in the case of the brandy that there should be superimposed upon the label bearing the word "Oriental," and in prominent letters immediately above the word "Brandy," the following words—"Distilled in New York, N. Y., by Tsouchlos

Oriental Distillery Co." It was also ordered that the word "Athens," appearing on the label on said product, be obliterated. In the case of the Tsipouro Pharos it was ordered that immediately above the principal label on each of the bottles there should be placed a label in prominent type, bearing the following words—"Distilled in New York, N. Y., by Tsouchlos Oriental Distillery Co." In the case of the Mastich Pharos it was ordered that immediately above the principal label thereon the following words should be placed in prominent type—"Distilled in New York N. Y., by Tsouchlos Oriental Distillery Co."

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3098. Adulteration of bran. U. S. v. 590 Sacks of Bran. Judgment of condemnation. Product released on bond. (F. & D. No. 5215. S. No. 1803.)

On May 10, 1913, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 590 sacks of bran, remaining unsold in the original unbroken packages and in possession of the Baltimore & Ohio Railroad, at Baltimore, Md., alleging that the product had been shipped from the State of West Virginia into the State of Maryland and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "100 lbs. pure wheat bran—Analysis: Crude Protein 14% to 17%—Crude fat 3% to 5%—Manufactured by B. A. Eckhart Milling Company, Chicago, Ill."

It was alleged in the libel that the product was adulterated because of added screenings, which had been mixed and packed with and substituted for pure wheat bran so as to reduce or lower or injuriously affect the quality or strength of the product.

On May 28, 1913, G. A. Hax & Co., Baltimore, Md., the claimants, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product should be destroyed by the United States marshal. It was provided, however, that the product should be delivered to said claimants, if on or before June 9, 1913, they shall have paid all the costs of the proceedings and executed bond in the sum of $1,000, in conformity with section 10 of the act. It was further ordered that the word "Pure" should be eliminated from the label on the product before it should be sold or disposed of at all.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3099. Adulteration and misbranding of vinegar. U. S. v. 100 Cases of Vinegar. Product released on bond by order of court. (F. & D. No. 5216. S. No. 1804.)

On May 10, 1913, the United States Attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases of so-called vinegar, remaining unsold in the original unbroken packages, alleging that the product had been shipped from the State of Tennessee to the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "2 Doz. No. 24—Circle—D—Pure Cane Sugar Vinegar—Dawson Bros. Mfg. Co., Memphis, Tenn." Retail bottles were labeled: "Trade Mark Circle D Brand—Cane Sugar Sterilized and Filtered Vinegar—Reduced to legal strength. Weight 1 lb. 10 oz., or more. Bottled by Dawson Bros. Mfg. Co., Memphis, Tenn."

Adulteration of the product was alleged in the libel for the reason that it was labeled as set forth above, whereas an analysis showed that it was not sugar vinegar, as stated on the label and brand, but consisted wholly or in part of distilled vinegar or dilute acetic acid, which had been substituted for and mixed and packed with sugar vinegar so as to reduce or lower or injuriously affect its quality or strength, whereby it was adulterated. Misbranding was alleged for the reason that the product was labeled as

set forth above and said statements on the label were false and misleading and constituted a misbranding according to law.

On June 4, 1913, the Dawson Bros. Mfg. Co., Memphis, Tenn., claimant, having admitted the allegations in the libel, it was ordered by the court that upon payment of the costs of the proceedings and the execution of bond in the sum of $500 in conformity with section 10 of the act, the product should be delivered to said claimant.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *April 14, 1914.*

3100. Adulteration and misbranding of spirits of turpentine. U. S. v. Consolidated Oil Co. Plea of guilty. Fine, $20 and costs. (F. & D. No. 5218. I. S. No. 1666-e.)

On August 1, 1913, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Consolidated Oil Co., doing business under the name of the Southern States Turpentine Co., Cleveland, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 10, 1912, from the State of Ohio into the State of New York, of a quantity of so-called pure spirits turpentine, which was adulterated and misbranded. The product was labeled: (On the barrel) "Southern States Turpentine Co., Pure Spirits Turpentine for Technical Purposes Only U. S. A. 206 L. D. H. McIlvain, New York City. 91616-C-12-17-"

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity at 20° C	0.8447
Refractive index at 20° C	1.4612
Color: Standard.	
Polymerization residue (per cent by volume)	21
Refractive index of polymerization residue at 20° C	1.4450
Consistency of residue: Limpid.	
Color of residue: Colorless.	
Mineral oil (per cent)	At least 21

Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, but differed from the standard of strength, quality, or purity as determined by the test laid down in the said United States Pharmacopœia, official at the time of the investigation, in that it contained mineral oil and its own standard of strength, quality, or purity was not stated upon the bottle, box, or other container in which it was offered for sale.

Misbranding of the product was alleged for the reason that it was offered for sale under the name of another article, to wit, pure turpentine.

On January 14, 1914, a plea of guilty was entered on behalf of the defendant concern and the court imposed a fine of $20 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

INDEX TO NOTICES OF JUDGMENT 3001 TO 3100.[1]

[1] For index to Notices of Judgment 1–1000, see Notice of Judgment 1000; 1001–2000, see Notice of Judgment 2000; 2001–3000, see S. R. A., Chem. 4, Suppl.; future indexes to be supplementary thereto.

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3101. Adulteration and misbranding of wine. U. S. v. 5 Barrels of Wine. Default decree of condemnation and forfeiture. Goods ordered released on bond. (F. & D. No. 5219. S. No. 1837.)

On June 10, 1913, the United States Attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 barrels, each containing 72 bottles of wine, remaining unsold in the original unbroken packages and in possession of Courtney & Co., Omaha, Neb., alleging that the product had been shipped on or about April 8, 1913, by the Sweet Valley Wine Co., Sandusky, O., and transported in interstate commerce from the State of Ohio into the State of Nebraska, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Sweetened with cane sugar. Delaware and Scuppernong blend ameliorated with sugar solution. Scuppernong bouquet wine, trade mark the Sweet Valley Wine Company, Sandusky, Ohio. Registered. Intoxicating liquor. Capacity 25 oz. Alcohol 12 to 13."

Adulteration of the product was alleged in the libel for the reason that a product made from other wines, or pomace wines, sweetened and mixed in imitation of scuppernong wine, had been mixed with the product so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a certain product made from other wines, or pomace wine, sweetened and mixed in imitation of scuppernong wine, had been substituted in whole or in part for the product. Misbranding was alleged for the reason that the product was a pomace wine, sweetened and mixed in imitation of scuppernong wine, in that it was labeled and branded so as to deceive and mislead purchasers in this, to wit, in that it purported to be scuppernong bouquet wine, when, in truth and in fact, it was a pomace wine sweetened and mixed in imitation of scuppernong wine, and for the further reason that each of the bottles bore a statement and label regarding the ingredients or substance contained therein, to wit, the statement "Delaware and scuppernong wine. Scuppernong bouquet wine," the word "Scuppernong" appearing in very conspicuous type, which statement was false and misleading, in that it conveyed the impression to purchasers that the product was a scuppernong wine, whereas, in truth and in fact, it was a pomace wine, sweetened and mixed in imitation of scuppernong wine.

On November 5, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be delivered to the Sweet Valley Wine Co., upon payment by it of all the costs of the proceedings and the execution of bond in the sum of $400 in conformity with section 10 of the act. It was further ordered that, in the event said Sweet Valley Wine Co. failed to pay the cost or to give bond as above required, the product should be sold by the United States marshal after the same had been properly branded.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3102. Adulteration of canned salmon. U. S. v. 875 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5220. S. No. 1829.)

On May 26, 1913, the United States Attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the

United States for said district a libel for the seizure and condemnation of 875 cases, each containing 48 cans of salmon, remaining unsold in the original unbroken packages and in possession of the National Grocer Co., Louisville, Ky., alleging that the product had been shipped on April 27, 1912, by Gorman & Co., Seattle, Wash., and transported from the State of Washington into the State of Kentucky, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "4 Doz. Tins Rob Roy Brand Canned Salmon." (On cans) "Rob Roy Brand Salmon Directions Serve Cold or Hot. If heated boil the Can 30 minutes before opening. Rob Roy Brand. Caught in Salt Water. Empty Contents of Can as soon as opened."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy and decomposed animal substance.

On September 2, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3103. Adulteration and misbranding of vinegar. U. S. v. 25 Barrels of Sugar Vinegar. Decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5221. S. No. 1806.)

On May 12, 1913, the United States Attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 barrels of sugar vinegar, remaining unsold in the original unbroken packages at Jonesboro, Ark., alleging that the product had been transported in interstate commerce and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Cairo Cider & Vinegar Co.—Sugar Vinegar—Cairo, Ill., 50 Gals. 30 Grain."

It was alleged in the libel that the product had been misbranded and adulterated by adding water which had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and that said barrels were misbranded "Sugar Vinegar, 30 Grain" within the meaning of the Food and Drugs Act.

On November 13, 1913, Johnson, Berger & Co., Jonesboro, Ark., having filed their claim for the product, and the case having been submitted to the court, upon consideration thereof, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon payment of the costs of the proceeding, and the execution of bond in the sum of $200 in conformity with section 10 of the act. It was further ordered that if the costs were not paid and bond filed by the claimant within 30 days after the rendition of the decree, the product should be sold by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3104. Adulteration of salmon. U. S. v. 300 Cases of Salmon. Decree of condemnation by default. Product ordered destroyed. (F. & D. No. 5222. S. No. 1808.)

On May 12, 1913, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 cans of salmon, remaining unsold in the original unbroken packages, and in possession of the Merchants National Grocer Co., St. Louis, Mo., alleging that the product had been shipped by A. B. Field & Co., San Francisco, Cal., and transported in interstate commerce from the State of California into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "Archer 4 Doz. Talls Brand (Design of Indian with bow and arrow) (Design of fish) Alaska

Salmon Packed for A. B. Field & Co., Inc., Agents—San Francisco;" (on cans) "Archer Brand (Design of Indian with bow and arrow) Alaska Salmon Red (Design of Fish) A. B. Field & Co. Inc., Distributors—San Francisco."

Adulteration of the product was alleged in the libel for the reason that it was putrid and decomposed, and had a pronounced and offensive bad odor, and said fish were known as "do-overs," and the same consisted wholly or in large part of filthy, putrid, and decomposed animal product and substance, and were wholly unfit for use as food.

On June 5, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3105. Adulteration and misbranding of butter. U. S. v. Christo Brandy. Plea of guilty Fine, $10. (F. & D. No. 195-c.)

On November 24, 1913, the United States Attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed an information in the Police Court of the District aforesaid against Christo Brandy, Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, on October 16, 1913, at the District aforesaid, of a quantity of so-called butter, which was adulterated and misbranded. The product bore no label. Adulteration of the product was alleged in the information for the reason that another substance, namely, oleomargarine, had been substituted for the butter in whole and in part. Misbranding was alleged for the reason that the product was an imitation of butter and was offered for sale and was sold under the distinctive name of another article of food.

On November 24, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3106. Adulteration and misbranding of canned peas. U. S. v. 50 Cases of Canned Peas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5223. S. No. 1810.)

On May 14, 1913, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, each containing 24 cans of peas, remaining unsold in the original unbroken packages and in possession of the Nixon Grocery Co., Augusta, Ga., alleging that the product had been shipped on or about April 1, 1913, by S. H. Levin's Sons, Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "2 dozen No. 2 cans—Celtic Brand peas—Packed from Dried green peas—by Alonzo Jones, Leipsic." (On cases) "Celtic brand peas—Packed from Dried green peas. Contents: Peas, salt, sugar and water—Celtic Brand—Alonzo Jones, Packer, Leipsic, Del." Labels also bore pictures of green peas in a number of pods.

Adulteration of the product was alleged in the libel for the reason that each of the cans of peas contained peas sour in both taste and odor, and said peas consisted wholly or in part of decomposed vegetable matter known to the trade as "Sour Flat," and said peas were not fit for use as a food product.

Misbranding was alleged for the reason that the labels on the cans, with the pictures of fresh peas in pods, conveyed the impression that the cans contained fresh peas, and there was nothing appearing plainly and conspicuously on the labels to show that the peas were not fresh or to show that the same were sour.

On October 24, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3107. Adulteration and misbranding of "Life-Malt." U. S. v. 60 Barrels of "Life-Malt." Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 5224. S. No. 1812.)

On May 17, 1913, the United States Attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 barrels of "Life-Malt," remaining unsold in the original unbroken packages and in possession of the Jewett Drug Co., Aberdeen, S. Dak., alleging that the product had been shipped on or about May 20, 1912, by the Fred Krug Brewing Co., Omaha, Nebr., and transported in interstate commerce from the State of Nebraska into the State of South Dakota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled (on barrel head): "9 Doz. Life Malt Small"; (on paster on barrel head): "Intoxicating liquor—$3^{7}/_{10}$ % alcohol—from Fred Krug Brewing Co., 26th and Vinton Sts. Omaha, Neb.—Jewett Drug Co., Aberdeen, South Dakota—D–577"; (on bottles—neck label): "Life-Malt, the tonic you like"; (principal label): "Alcohol $3\frac{1}{2}$%. Contents 12 ozs. Krug Life-Malt, Reg. U. S. Pat. Office. A highly concentrated Extract of Malt and Hops, prepared only by Fred Krug Brewing Co. Omaha, Neb. Guaranteed by Fred Krug Brewing Company, under Pure Food and Drugs Act, June 30, 1906. No. 3952. Krug-Life-Malt is the ideal food for Brain and Brawn workers, purifies and replenishes the blood, cleanses the liver, builds brain, bone and muscle and regulates the bowels. Is a great boon to nursing mothers, convalescents and those of weak and rundown systems, it aids digestion, repairs waste of tissue, improves the appetite, soothes the nerves, produces healthful sleep."

Adulteration of the product was alleged in the libel for the reason that the barrels and bottles contained a product which was ordinary dark beer, in which some cereal product other than malt had been substituted therefor so as to reduce, lower, and injuriously affect the utility [quality] and strength of the product. Misbranding was alleged for the reason that the said barrels of Life-Malt did not contain "a highly concentrated extract of malt and hops," as the label purported them to contain, but said 60 barrels of Life-Malt and each of them contained ordinary dark beer, in which some cereal product other than malt had been substituted therefor so as to reduce, lower, and injuriously affect the utility [quality] and strength of the product contained in each of the bottles, and for the further reason that the labels on said bottles caused further deception by reason of the fact that they each contained a pictorial representation of barley, and, therefore, the product was labeled and branded so as to deceive and mislead the purchasers.

On August 15, 1913, the said Fred Krug Brewing Co. having entered its appearance as the owner of the product and filed its bill acknowledging the allegations of the libel to be true, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal, and that the said Fred Krug Brewing Co. should pay the costs of the proceedings, amounting to $43.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3108. Adulteration of tomato pulp. U. S. v. 100 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5225. S. No. 1814.)

On May 19, 1913, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases

of tomato pulp, remaining unsold in the original unbroken packages, and in the possession of Marin & Goldberg, Jersey City, N. J., alleging that the product had been shipped on or about May 6, 1913, by Wm. P. Andrews, Wingate's Point, Md., and transported from the State of Maryland into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Windmill brand (picture of a whole ripe tomato) tomato pulp, made from tomatoes and fresh tomato trimmings, with great care. Packed by Wm. P. Andrews."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, to wit, tomatoes.

On August 13, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3109. Misbranding of champagne. U. S. v. 5 Cases of Champagne, So-called. Tried to the court. Finding in favor of the Government. Judgment of condemnation and forfeiture. Goods released on bond. (F. & D. No. 5227. S. No. 1813.)

On or about May 21, 1913, the United States Attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 24 pint bottles of so-called champagne, remaining unsold in the original unbroken packages, and in the possession of James L. Green, Watertown, N. Y., alleging that the product had been shipped by Henry H. Shufeldt, Peoria, Ill., and transported from the State of Illinois into the State of New York, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Special Gold Cabinet Superior Quality." (On bottles) "Special Gold Cabinet Superior Quality. Gold Cabinet Superior Quality. Extra Dry."

Misbranding of the product was alleged in the libel for the reason that it was labeled as set forth above and purported and was represented to be champagne, when, in truth and in fact, the cases and bottles aforesaid did not contain champagne, but the article of food therein contained was a wine artificially carbonated in imitation of champagne, and the article by the label aforesaid and the false representations thereon contained was so labeled and branded as to deceive and mislead the purchaser thereof, and said label and representations thereon contained were false and misleading, in that the wine was not a champagne, nor was it a wine of superior quality, nor was it a wine commonly known as "Extra Dry," and said labels and the words thereon printed were false and misleading and constituted a misbranding within the meaning of the statute.

On June 13, 1913, the case having come on for a hearing, the said James L. Green having appeared personally but having interposed no answer and no defense to the libel, and a jury being waived and the cause having been duly tried in court, and witnesses having been sworn and given their testimony in behalf of the libelant, decision was reserved by the court. On June 23, 1913, condemnation of the product was ordered by the court, as will more fully appear from the following opinion by the court (Ray, *J.*):

About March 15, 1913, James L. Green, a wholesale liquor dealer of Watertown, N. Y., ordered from Henry H. Shufeldt & Co., of Peoria, Ill., five cases of champagne, and said Shufeldt & Co. shipped and billed to him five cases of so-called champagne to fill the order, and same was shipped and transported and received in interstate commerce. Each case contained 24 bottles and each bottle holds about 1 pint of a liquid mixture which on due examination and test is found to consist of a very cheap, ordinary, low-grade carbonated white wine. It is not champagne in any sense of that word, but a low-grade, cheap white wine charged with gas. It is bottled and labeled in the following manner: The bottle itself is of the same shape and made in imitation of the ordinary champagne bottle. This bottle is corked and dressed

about the neck the same as and in very close imitation in every way of the ordinary genuine champagne bottle, or bottle containing champagne; for instance, Mumm's Extra Dry. It has the same style of label and seal, both attached in the same manner. On the label is the name "Special Gold Cabinet, Superior Quality." There is also a coat of arms and on one side initials "H. H. S. & Co." and on the other "3015."

In short, the bottles containing the cheap carbonated wine are such a close imitation in form or shape, dress, corking, and label that the ordinary observer would and does easily mistake, accept, and use the imitation as a genuine bottle of imported champagne. This would and does happen with a large number of purchasers and users, and it may be said with the ordinary user, unless he gives the labels an inspection to determine whether it is the genuine champagne bottle. Evidently it is gotten up and dressed and labeled in this way to deceive the ordinary purchaser and user of champagne. The wooden boxes and markings and labels thereon in which shipped also closely imitate the boxes in which genuine champagne is shipped. This is such an imitation as would make a case of unfair competition in trade. The Food and Drugs Act, June 30, 1906, provides amongst other things, "The term 'food' as used herein shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound." Section 2 prohibits the introduction into any State from another State of any article of food which is adulterated or misbranded within the meaning of the act. Section 8 provides, "That for the purposes of this act an article shall also be deemed to be misbranded; * * *. In the case of food: First, if it be *an imitation* of, or offered for sale under the distinctive name of another article. Second, If it *be labeled* or branded *so as to deceive or mislead the purchaser*, or * * *. *Provided*, That an article of food (drink) which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases: First, in case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under *their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article*, if the name be accompanied on the same label or brand with a statement of the place where the article has been manufactured or produced." And "Second, In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word compound, imitation, or blend, as the case may be, is plainly stated on the package in which it is offered for sale." In this case there is nothing to indicate to the purchaser that these bottles contain an imitation or that an imitation is intended.

Section 10 provides for the seizure and condemnation of adulterated or unbranded articles while being transported in interstate commerce or after transportation and while unsold or in original unbroken packages, which is this case.

This wine in question was and is an imitation of genuine imported champagne, and was and is so labeled and branded as to deceive and mislead both the purchaser and users into the belief that it is genuine champagne. Is it within the proviso or exception quoted? It contains no added poisonous or deleterious ingredient or ingredients. It was not and is not offered for sale under the distinctive name champagne, as that word is not on either bottle, label or package, if the statute means by "offered for sale under the distinctive name of another article" that it must be so advertised or bear on the package containing it the distinctive name of some other article. Even if it has a distinctive name "Special Gold Cabinet" still it is "an imitation of" and was actually "offered for sale" under the name "champagne," which is the distinctive name of another article. That is, "champagne" was ordered, and the seller sent this article as and for champagne, thus not only offering it for sale as champagne but selling it as champagne. By his acts he represented it to be champagne. Hence this carbonated wine contained in these bottles and packages is not within the proviso or exception and must be held to be *misbranded* and subject to seizure and condemnation. It is not sufficient to remove an imitation and misbranded article from the condemnation of this law that it has a distinctive name applied to it, as the very language of the proviso requires that if known under its own distinctive name (if it has one) it, the article, *must not be either an imitation of another article* or offered for sale under the distinctive name of *another article*. Here this carbonated wine contained in these bottles and cases was in fact offered for sale and sold under the distinctive name of champagne, another article, and, what is conclusive, was and is, in fact, an imitation of imported champagne. Again, can a *distinctive* name be given to an *imitation* article unless it be to distinguish one imitation from another? Clearly this can not be done so as to bring a wine made and bottled and dressed in imitation of champagne and sold and offered for sale as champagne and delivered to fulfill orders for champagne within the exception or proviso quoted when it is so labeled or branded as to deceive and mislead the purchaser.

In this case it is sufficient to bring these cases of wine, the wine contained in these bottles, within the condemnation of the statute, and without the protection

of the exception or proviso, that they are in fact "an imitation of another article," viz., genuine imported champagne, and are labeled and branded so as to deceive or mislead the purchaser, and are not labeled, branded, or tagged so as to plainly indicate that they are imitations, and the word "imitation" is not on the package. It must be borne in mind that in stating that this wine was actually offered for sale and sold under the distinctive name "champagne" I do not mean that the word champagne was on the bottles, labels, or packages, but that the purchaser ordered champagne and expected to get champagne, and the seller knew this and supplied this cheap, carbonated wine put up in these bottles, dressed, ornamented, and labeled in close imitation of champagne, and by these acts represented to the purchaser that he was selling and shipping to him genuine champagne. I think these facts bring the act of the seller within the language of the act "offered for sale under the distinctive name of another article." Hence I hold that within the meaning of this statute this wine was not only offered for sale but actually sold "under the distinctive name of another article"—that is, genuine champagne. Again, these bottles containing this wine—that is, the package containing it, both bottles and box—bore designs and devices thereon plainly intended to relate to the contents of such bottles and indicate to the purchaser and user thereof the nature and character of the substance contained in such bottles. In addition to the marks and words and designs mentioned there were the words "Extra Dry," indicating a grade of champagne, and these words were a plain misrepresentation and misstatement as to the character and quality of the contents which were not "extra dry." These designs and devices very plainly said to a purchaser, "champagne," and were intended by the seller to say to the purchaser, "this bottle contains extra dry champagne." These designs and devices were false and misleading. The designs and devices and certain of the words on these bottles could relate to the substances contained therein only and had but one purpose and meaning. It was the purpose of Congress in enacting this "The Food and Drugs Act, June 30, 1906," to put a stop to the transportation and sale in interstate commerce of adulterated and misbranded articles of food, drink, and drugs. It was intended to reach all forms of misrepresentation by misbranding, by the use of words, or by the use of designs or devices, pictures, etc., calculated to mislead and deceive, cheat, or defraud the purchasers. If A in New York orders of B in Illinois one thousand 1-pound packages of corn and one thousand packages are shipped and transported from the one State to the other in fulfillment of the order and such packages have labels reading "Fine Illinois" with the picture thereon or on the package itself of an ear of corn, but the packages in fact contain sawdust only, is there or is there not an offer for sale under the distinctive name of another article, and is or is not the package so labeled or branded as to deceive or mislead the purchaser, and does or does not the package containing the sawdust or its label bear a design or device regarding the substance contained in such package which is false or misleading in any particular? What does the picture of the ear of corn on the package say? And, in such case, is there or is there not a violation of the act in question? Having in view the evils to be remedied, the purpose of Congress and the language of the act, it seems to me there can be but one answer.

A statute, if its wording will permit, is always to be construed so as to make effectual the intent of the law-making body in enacting it. In selling articles of food, including liquids for drinking, frauds on the public may be perpetrated in two ways, one, by adulterating or artificially coloring, etc., the article itself, and two, by putting it in packages or receptacles so formed or labeled and dressed as to induce the purchaser to take it as one article when in fact it is another. Congress aimed at both modes of committing a fraud on the public.

There will be a judgment of condemnation.

On July 14, 1913, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be released to the said James L. Green or other person rightfully claiming the property in lieu of the retention and destruction thereof upon payment of the costs of the proceeding and the execution of bond in the sum of $100 in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3110. Adulteration of tomato pulp. U. S. v. 24 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5229. S. No. 1817.)

On May 19, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel for the seizure and condemnation of 24 cases of tomato pulp remaining unsold in the original unbroken packages and in possession of Morris Scherzer, New York, N. Y., alleging that the product had been shipped on or about May 3, 1913, by William P. Andrews from Wingate, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Windmill Brand Tomato Pulp (Picture of ripe tomato) Contents weigh nine ounces or over. Made from tomatoes and fresh tomato trimmings, with great care. Packed by Wm. P. Andrews, Crapo, Md."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, to wit, decayed tomato pulp.

On June 10, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3111. Adulteration and misbranding of stock feed. U. S. v. 300 Sacks of Stock Feed. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. Nos. 5230, 5231. S. Nos. 1809, 1811.)

On May 17, 1913, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 sacks of stock feed, remaining unsold in the original unbroken packages and in possession of V. P. Stokes, New Orleans, La., alleging that the product had been shipped on or about April 15, 1913, by the Ozark Feed Co., Neosho, Mo., and transported from the State of Missouri into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. Part of the product was in cotton sacks and labeled: "100 Lbs. Neozark Molasses Feed. Corn, Oats, Corn Bran, Alfalfa, Screenings, Salt & Molasses. A Well Balanced Ration. Ozark Feed Co., Neosho, Mo." (On a small card attached to sack) "Neozark Molasses Feed Average Guaranteed Analysis: Crude Fat 3 per cent. Crude Protein 11 per cent. Crude Fiber 13 per cent. Carbohydrates 52 per cent. Made from Alfalfa, Molasses, Corn, Oats, Corn Bran, Salt. Ozark Feed Co., Neosho, Mo." (On small tag on sack) "Guaranteed—100 Lbs. E. D. Bruner Com. Season of 1912 & 1913. State of Louisiana." Part was in jute sacks and labeled: "100 Lbs. Neozark Molasses Feed—Corn, Oats, Alfalfa, Corn Bran, Recleaned Screenings, Salt & Molasses. A Well Balanced Ration—Ozark Feed Co., Neosho, Mo." (On small card attached to sack) "Neozark Molasses Feed—Average Guaranteed Analysis: Crude Fat 3 per cent—Crude Protein 11 per cent—Crude Fiber 13 per cent—Carbohydrates 52 per cent. Made from Alfalfa, Molasses, Corn, Oats, Corn Bran, Salt. Ozark Feed Co., Neosho, Mo." (Small tag on sack) "Guaranteed 100 Lbs. E. D. Bruner, Com. Season of 1912 & 1913. State of Louisiana."

It was alleged in the libel that the product was adulterated in the following manner and particulars, to wit, that the samples thereof were analyzed by the Bureau of Chemistry of the Department of Agriculture of the United States; that said analysis of the samples from the 300 sacks of stock feed revealed that it contained: Moisture, 17.04 per cent; ether extract, 2.5 per cent; protein, 9.54 per cent; crude fiber, 11.56 per cent. Analysis of the second samples

showed: Moisture, 16.28 per cent; ether extract, 2.4 per cent; protein, 8.67 per cent; crude fiber, 10.85 per cent. And further, a microscopic analysis of said samples showed that the product contained 4.5 per cent of weed seeds and shriveled wheat grains, which said weed seeds and shriveled wheat grains were probably put in said product as screenings, and said stock feed was therefore adulterated in violation of the provisions of the Food and Drugs Act of June 30, 1906. It was alleged in the libel that the product was misbranded in the following particulars, to wit: That the aforesaid labels indicated that the labels on divers of said 300 sacks of stock feed from which the samples first above referred to were removed and taken for analysis proclaimed that the product contained 3 per cent of crude fat, and 11 per cent of crude protein, when, in truth and in fact, said analysis revealed the presence of only 2.50 per cent fat and 9.54 per cent protein, and the labels on divers other of the said 300 sacks from which the samples secondly above referred to were taken for analysis proclaimed that the said product contained 3 per cent crude fat and 11 per cent crude protein, when, in truth and in fact, the said analysis revealed the presence of only 2.40 per cent fat and 8.67 per cent protein, and therefore the statements upon both of these labels were false and misleading, and the goods or product was therefore misbranded in violation of section 8 of the Food and Drugs Act of June 30, 1906, first general paragraph, and paragraph 2 under "Foods."

On May 28, 1913, the said Ozark Feed Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be disposed of by sale. It was provided, however, that the product should be released and delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of $200, in conformity with section 10 of the act, within 30 days from the date of the decree.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3112. Adulteration of feed barley and barley. U. S. v. 6 Cars of Feed Barley and 1 Car of Barley. Decree of condemnation by consent. Product released on bond. (F. & D. Nos. 5233, 5238. S. Nos. 1821, 1827.)

On May 26, 1913, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 6 carloads of so-called feed barley and 1 carload of so-called barley, remaining unsold in the original unbroken packages and in possession of the West Shore Railroad Co., at Weehawken, N. J., alleging that the product had been shipped by the Mueller & Young Grain Co., Chicago, Ill., the 6 carloads on May 19, 1913, and the 1 carload on May 21, 1913, and transported from the State of Illinois into the State of New Jersey, consigned to the order of J. G. Hagemeyer & Co., New York, N. Y., for export from said Weehawken. and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the products was alleged in the libels for the reason that substances, to wit, barley screenings and weed seeds, had been mixed and packed therewith in such a manner as to reduce, lower and injuriously affect their quality and strength and further for the reason that substances, to wit, barley screenings and weed seeds, had been substituted in part for barley and for feed barley. It was also alleged in the libels that the so-called barley and so-called feed barley were imitations and were offered for sale under the distinctive name of another article, that is to say, under the name of pure barley, the same not being pure barley or pure feed barley.

On June 5, 1913, the said J. G. Hagemeyer & Co., claimant, having admitted the allegations in the libels and consenting to decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products should be surrendered and delivered to said claimant upon payment of the costs of proceedings and the execution of bond in the sum of $3,000, in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 21, 1914.*

3113. Adulteration and misbranding of canned peas. U. S. v. 735 Cases of Canned Peas. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 5234, 5235, 5236. S. No. 1825.)

On May 26 and 27, 1913, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 735 cases of canned peas remaining unsold in the original unbroken packages, 200 cases in the possession of J. T. Bothwell Grocer Co., 435 cases in possession of F. W. Coffin, and 100 cases in the possession of Frank Coffin, all of Augusta, Ga., alleging that the product had been shipped on or about March 24 and April 2, 1913, by S. H. Levin's Sons, Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "2 dozen No. 2 cans Celtic Brand Peas packed from dried green peas by Alonzo Jones, Leipsic, Del." (On cans) "Celtic Brand Peas packed from dried green peas Celtic Brand, Alonzo Jones, Packer, Leipsic, Del. Contents: Peas, salt, sugar, and water." Each of said cans also bore a picture of fresh peas.

Adulteration of the product was alleged in the libels for the reason that each of the cans of peas contained peas abnormal in odor and taste, and contained bacteria, said peas consisting wholly or in part of a decomposing vegetable substance, and were unfit for food purposes. Misbranding was alleged for the reason that the labels on the cans of peas with the pictures of fresh peas in pods conveyed the impression that the contents of the cans were fresh green peas, and there was nothing appearing plainly and conspicuously upon the labels to correct said false impression and to show that the peas were not fresh or to show that they were sour.

On October 24, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 21, 1914.*

3114. Adulteration of canned salmon. U. S. v. 75 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5237. S. No. 1826.)

On May 26, 1913, the United States Attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on May 27, 1913, an amended libel, for the seizure and condemnation of 75 cases of canned salmon, remaining unsold in the original unbroken packages and in possession of the National Grocer Co., Louisville, Ky., alleging that the product had been shipped on December 11, 1912, by the Merchants National Grocer Co., St. Louis, Mo., and transported from the State of Missouri into the State of Kentucky, and charging adulteration in violation of the Food and Drugs Act. It was alleged in the amended libel that of the 150 cases of canned salmon

described in the first paragraph of the original libel there remained on hand in the city of Louisville in the original unbroken packages 119 cases and 19 cans of canned salmon, instead of 75 cases, as alleged in the libel of information. The product was labeled: (On cases) "4 Doz. Talls Archer Brand. Alaska Salmon. Packed for A. B. Field & Co. Inc. Agents San Francisco." "The National Gro. Co. Louisville, Ky." (On cans) "Archer Brand Alaska Salmon. Red. A. B. Field and Co. Inc. Distributors San Francisco."

Adulteration of the product was alleged in the libel for the reason that the contents of each of the cans consisted in part of a filthy and decomposed animal substance.

On September 2, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3115. Misbranding of olive oil. U. S. v. 4 Cases of Olive Oil. Consent decree of condemnation and forfeiture. (F. & D. No. 5239. S. No. 1828.)

On May 28, 1913, the United States Attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases of so-called olive oil, remaining unsold in the original packages and in possession of A. Salvatori, Wheeling, W. Va., alleging that the product had been shipped on March 17, 1913, by Lange Bros., New York, N. Y., and transported from the State of New York into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Muratori and Marante Lucca Italia Olio Finissimo D'Oliva Vergine Marca Registrata." "Lange Bros., New York, soli distribuitori per Gli Stati Uniti di America, Messico and Canada." "The original contents of this can constitute a blend, Blended & Canned in New York, U. S. A. Guaranteed under the National Pure Food Law Lange Bros. 70 Gansevort St., New York."

Misbranding of the product was alleged in the libel for the reason that the retail packages were labeled and branded as a foreign product, when in fact they were not a foreign product, and, further, the packages were misbranded in that the labels thereon represented the contents of the packages to be olive oil, when in fact the contents were not olive oil, but were a mixture of olive oil and cottonseed oil. Misbranding was alleged for the further reason that there was no statement on the label or brand showing that the contents of the packages were blends, when, in truth and in fact, the contents of the packages were compounds, imitations, and blends.[1]

On August 13, 1913, the said Lange Bros., Inc., claimant, having petitioned the court for the release of the product, judgment of condemnation and forfeiture having theretofore been entered, it was ordered that the product should be delivered to said claimant, the costs of the proceedings having been paid and a good and sufficient bond having been executed in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3116. Adulteration and misbranding of evaporated milk. U. S. v. 21 Cases of Evaporated Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5240. S. No. 1824.)

On May 28, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

[1] See note on page 414.

District Court of the United States for said district a libel for the seizure and condemnation of 21 cases, each containing 48 cans of evaporated milk, remaining unsold in the original unbroken packages, and in possession of Robert Hill, New York, N. Y., alleging that the product had been shipped on or about April 14, 1913, by the Boston Condensed Milk Co., Charlestown, Mass., and transported from the State of Massachusetts into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "4 doz. Talls—Quality Brand Evaporated Milk—Boston Condensed Milk Company, Bellows Falls, Vt." (On cans) "Quality Brand Evaporated Milk, directions: The product obtained by diluting the contents of this can with two thirds water will exceed the legal standard for whole milk. For Tea, Coffee, Cocoa, and Soup use undiluted, for which it has no equal. For household uses, where ordinary milk or cream would be used, dilute with water to the required consistency. Unsweetened sterilized evaporated milk. We guarantee Quality Brand evaporated milk to contain nothing but fresh, pure milk from herds inspected by both local and State boards of health, raised on the Green Mountains of Vermont and furnished to our factory in the most sanitary condition. Thoroughly sterilized and evaporated in the most cleanly and scientific method whereby only water is removed and nothing added. Preserved by sterilization only. The keeping quality is assured as long as the can remains unopened. When opened, treat as you would fresh milk or cream. Put up in small, family and tall size cans. Guaranteed by Boston Condensed Milk Co. under the Pure Food and Drug Act June 30, 1906. Serial No. 30712. Average net weight 1 lb. Boston Condensed Milk Co. Bellows-falls, Vt."

Adulteration of the product was alleged in the libel for the reason that a valuable constituent of the article had been wholly or in part abstracted, that is to say, the said article was low in total solids and manufactured from partly skimmed milk and not sufficiently reduced to entitle it to be designated evaporated milk, contrary to the provisions of section 7, subdivision 3, under "Food," of said act. Misbranding was alleged for the reason that the packages containing the article bore a statement which was false and misleading, in that it represented the article to be evaporated milk, whereas, in truth and in fact, the article was partly skimmed milk and not sufficiently reduced to entitle it to be designated evaporated milk, contrary to the provisions of section 8, subdivision 1, under "Food," of said act; and for the further reason that the packages containing the article were labeled and branded so as to deceive and mislead the purchaser, in that said labels and brands represented the article to be evaporated milk, whereas, in truth and in fact, the article was manufactured from partly skimmed milk and not sufficiently reduced to entitle it to be designated evaporated milk, contrary to the provisions of section 8, subdivision 2, under "Food," of said act.

On June 16, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3117. Misbranding of Smith's Agricultural Liniment. U. S. v. 8 Packages of Smith's Agricultural Liniment. Decree of condemnation. Product released on bond. (F. & D. No. 5242. S. No. 1819.)

On May 29, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and con-

demnation of 8 packages, each containing 12 bottles, of Smith's Agricultural Liniment, remaining unsold in the original unbroken packages, and in possession of John D. Park & Sons Co., Cincinnati, Ohio, alleging that the product had been shipped from the State of Kentucky into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On packages) "Smith's Agricultural Liniment. An external remedy for man and beast. Free from alcohol, morphine, or its derivatives and in full compliance with pure food law. Manufactured by T. B. Smith, Manufacturer and dealer in proprietary medicines. General drug supplies for country stores. Lexington, Ky.;" (On label around bottles) "Smith's Agricultural Liniment. An external remedy for man. It will cure Neuralgia, Headache, Backache, Toothache, Pain or Soreness in the Back, Chest or Side, Sore Throat, Diphtheria, Mumps, Rheumatism, Stiffness of Joints, Bruises, Tumors, Corns and Bunions, Old Sores, Scalds, Frost Bites, Burns, Poisonous Bites, Sprains, Swellings, Weed or Cake Breast. Beast. It removes Callous Enlargements, Saddle and Harness Galls, Chronic Sores, Fistula, Poll Evil, Scratches, Grease Heel, Distemper, Sweeny, Strains, Sprains. Heals Tumorous Warts, Cuts and Bruises, Wind Galls. There is no remedy equal to this liniment for Diphtheria, Pneumonia and Pleurisy. Directions: * * *" (On side of wrapper) "None genuine Without My Signature: Dr. Thom. B. Smith, Lexington, Ky."

Misbranding of the product was alleged in the libel for the reason that the statements borne and contained upon and in the packages and labels regarding the curative and therapeutic effect of said drug were false and fraudulent, in that said statements represented the drug to be a cure for rheumatism, diphtheria, sore throat, pneumonia, pleurisy, and the other diseases enumerated on said label, whereas, in truth and in fact, there is no substance or mixture of substances known at the present time which can be relied upon for the effectual treatment or cure of the diseases and conditions so enumerated upon the packages and labels, and said drug would not effect a cure of said diseases and conditions so enumerated.

On June 7, 1913, Thomas B. Smith, Lexington, Ky., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and restored to said claimant upon payment of all costs of the proceedings and the execution of bond in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3118. Adulteration of tomato pulp. U. S. v. 800 Cans of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5243. S. No. 1831.)

On June 2, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 800 cans of tomato pulp, remaining unsold in the original packages and in possession of Rudolph Gross, New York, N. Y., alleging that the product had been shipped on or about January 7, 1913, by the Stetson & Ellison Co., Camden, Del., and transported from the State of Delaware into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product bore no label.

Adulteration of the product was alleged in the libel for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance, to wit, decayed tomato pulp, contrary to the provisions of section 7, subdivision 6, under "Food," of said act.

On June 16, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 21, 1914.*

3119. Adulteration of tomato paste. U. S. v. 5 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5244. S. No. 1832.)

On June 4, 1913, the United States Attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases of tomato paste, remaining unsold in the original unbroken packages and in possession of the Zarnits Brothers Grocery Co., Wheeling, W. Va., alleging that the product had been shipped by the Ignatius Gross Co., New York, N. Y., and transported during the year 1913 from the State of New York into the State of West Virginia, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Conserva Di Tomate Rossa. Guaranteed by the American Conserve Co Serial No. 9270. This can contains 15 oz. net weight containing 1/10 of 1 % of Benzoate of Soda and 15 % Salt."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On August 30, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 21, 1914.*

3120. Adulteration of canned salmon. U. S. v. 28 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5245. S. No. 1835.)

On June 6, 1913, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 28 cases of so-called Alaska salmon, remaining unsold in the original unbroken packages and in possession of the United Retail Merchant Grocer Co., Peoria, Ill., alleging that the product had been shipped on December 12, 1912, by the Merchants National Grocer Co., St. Louis, Mo., and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "Archer Brand Salmon (Design of Indian with Bow and Arrow shooting at a fish) Alaska Salmon packed for A. B. Field and Co. Inc. Agents San Francisco." (On cans) "Alaska Salmon red A. B. Field and Co., Inc. Distributors San Francisco Archer Brand (Design of Indian with Bow and Arrow)."

Adulteration of the product was alleged in the libel for the reason that the article consisted in whole or in part of a filthy, decomposed and putrid animal substance and of portions of fish unfit for food.

On August 5, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 21, 1914.*

3121. Misbranding of so-called Greek liquors. U. S. v. 27 Cases of Alleged Greek Liquors. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. Nos. 5246–5253. S. No. 1833.)

On June 6, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure of certain articles of food called, respectively, Brandy, Tsipouro Pharos, and Mastich Pharos, liquors or beverages contained in 27 cases. Six of the cases each contained 1 dozen bottles of brandy; one of the cases contained 1 dozen bottles of Tsipouro Pharos; 14 of the cases contained 1 dozen bottles of Mastich Pharos; one of the cases contained an assortment of the articles, consisting of 6 bottles of the brandy, 3 bottles of the Tsipouro Pharos, and 3 bottles of Mastich Pharos, remaining unsold in the original unbroken packages, in the possession of Ganotis & Pilafas, the Nasiacos Importing Co., Cotsiopoulos & Trampas, Phoenix Importing Co., the Protopapas Grecian Café, and Christ Katsirubas, all of Chicago, Ill., alleging that the product had been shipped on April 3 and April 9, 1913, by the Tsouchlos Oriental Distillery Co., New York, N. Y., and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act. The product known as brandy was labeled: "Oriental Brandy Extra Fine from raisins The Tsouchlos Oriental Distillery Co. Direct importer of the rude materials from Athens. We draw the particular attention of the consumer to that every product of our distillery is always labeled with our trade mark. Beware of imitations The brandy of the Tsouchlos Oriental Distillery Co. is the pure product of raisins and can be compared with the best brandies imported from Europe, especially with those from France. Every bottle must bear the signature of The Tsouchlos Oriental Distillery Co. (Greek letters and representations of coats of arms and medals of award)." The product known as Tsipouro Pharos was labeled: "Tsipouro Pharos It contains Anise Extra Extra Every bottle must bear the signature of The Tsouchlos Oriental Distillery Co. (Greek letters and representations of coats of arms and medals of award)." The product known as Mastich Pharos was labeled: "Mastich Pharos It contains Mastich and Anise Extra Extra This bottle contains mastika, annisseed, with sugar and alcohol (ethyl) to the amount of about 30%, and guaranteed by the manufacturer under the Food and Drugs Act of the United States known as Pure Food Law, Registration of trade mark applied for. Guaranteed by The Tsouchlos Oriental Distillery Company under the Food and Drugs Act. June 30, 1906. Serial No. 48921. Every bottle must bear the signature of The Tsouchlos Oriental Distillery Co. (Greek letters and representations of coats of arms and medals of award)."

Misbranding of the products was alleged in the libel for the reason that they were labeled as set forth above, which said statements upon the labels on the cases, and the statements, designs, and devices upon the labels on the bottles were false and misleading in that the labels purported to state that the articles of food were foreign products manufactured in Greece, whereas, in truth and in fact, the articles aforesaid, to wit, the liquors or beverages called brandy, Tsipouro Pharos, and Mastich Pharos, respectively, were not manufactured in Greece, but were manufactured in the city of New York in the State of New York in the United States of America. Misbranding was alleged for the further reason that the statements upon the labels on the cases, and the statements, designs, and devices upon the labels on the bottles misled and deceived the purchaser into the belief that the articles of food were foreign products manufactured in Greece, whereas, in truth and in fact, the articles of food aforesaid, to wit, the liquors or beverages called brandy, Tsipouro Pharos, and

Mastich Pharos, respectively, were not manufactured in Greece, but were manufactured in the city of New York in the State of New York in the United States of America. Misbranding was alleged for the further reason that the statements upon the labels on the cases, and the statements, designs, and devices on the labels of the bottles were false and misleading in that the labels aforesaid purported to state that the articles of food were foreign products manufactured in Greece, whereas, in truth and in fact, the articles of food aforesaid, to wit, the liquors or beverages called brandy, Tsipouro Pharos and Mastich Pharos, respectively, were not manufactured in Greece, but were manufactured in the city of New York in the State of New York in the United States of America, and were imitations of the liquors or beverages known, respectively, as Oriental Brandy, Tsipouro Pharos, and Mastich Pharos, and were offered for sale under the distinctive name of other articles of food, to wit, Oriental Brandy, Tsipouro Pharos, and Mastich Pharos, respectively.

On October 22, 1913, the said Tsouchlos Oriental Distillery Co., New York, N. Y., claimant, having made its answer to the libel admitting all the material allegations therein, and the court having read and considered the same, and having heard the arguments of counsel, and being fully advised in the premises, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products should be sold by the United States marshal.

It appeared, however, that the products could be relabeled and re-marked and sold again not in violation of the law. It was ordered, adjudged, and decreed by the court that said products should be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, the products to be relabeled as follows:

(1) In the case of the brandy, that there should be superimposed on the label bearing the word "Oriental," a label bearing in prominent letters the following words: "Distilled in New York, N. Y., by Tsouchlos Oriental Distillery Co.," and, further, by placing upon and entirely covering the neck label of the bottles a label bearing in prominent letters the words "Distilled in New York, N. Y., by Tsouchlos Oriental Distillery Co."; and also by obliterating the word "Athens," which appeared on the original label.

(2) In the case of the Tsipouro Pharos, it was ordered that immediately above the principal label thereon there should be placed a label bearing in prominent letters the following words, "Distilled in New York, N. Y., by Tsouchlos Distillery Co."

(3) In the case of the Mastich Pharos, it was ordered that immediately above the principal label there should be placed a label bearing in prominent letters the following words, "Distilled in New York, N. Y., by Tsouchlos Oriental Distillery Co."

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3122. Adulteration and misbranding of vinegar. U. S. v. 40 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5254. S. No. 1838.)

On June 13, 1913, the United States Attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 barrels of vinegar, remaining unsold in the original unbroken packages and in the possession of the Miller Bros. Grocery Co., Wheeling, W. Va., alleging that the product had been shipped on May 10, 1913, by the

Youngstown Cider and Vinegar Co., Youngstown, Ohio, and transported from the State of Ohio into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled "Guaranteed under the Food and Drug Act June 30, 1906, Galls 48 Cider Vinegar."

Adulteration of the product was alleged in the libel for the reason that a dilute solution of acetic acid, artificially colored in order to conceal inferiority, had been substituted in whole or in part for cider vinegar. Misbranding was alleged for the reason that the 40 barrels were labeled "cider vinegar," when, in fact, it was a vinegar in which distilled vinegar or a dilute solution of acetic acid, artificially colored, had been added.

On July 29, 1913, the said Miller Bros. Wholesale Grocery Co., Wheeling, W. Va., claimant, having filed its petition in the case, judgment of condemnation and forfeiture was entered, the court finding the product misbranded. It was ordered by the court that the product should be delivered to said claimant, the costs of the proceeding having been paid by it and a good and sufficient bond having been executed by it in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3123. Adulteration of canned pineapple. U. S. v. 50 Cases of Canned Pineapple. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5255. S. No. 1836.)

On June 9, 1913, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of canned pineapple, remaining unsold in the original unbroken packages at Boston, alleging that the product had been shipped by Charles T. Howe & Co., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Diamond Head Hawaiian Crushed Pineapple in juice. Finest Quality Extras—Packed by Pearl City Fruit Co., Ltd. Terr. of Hawaii.—Picked when ripe and packed same day—Canned where grown—Guaranteed by the Pearl City Fruit Co., Ltd. under the Food and Drugs Act, June 30, 1906—Serial No. 13399."

Adulteration was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 4, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3124. Misbranding of Stramoline. U. S. v. 8 Cases of Stramoline. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5256. S. No. 1834.)

On June 13, 1913, the United States Attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 wooden cases, each containing 6 12-ounce bottles of stramoline, remaining unsold in the original unbroken packages and in the possession of the Davis Bros. Drug Co., Denver, Colo., alleging that the product had been transported from the State of Oklahoma into the State of Colorado and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On

cases) "From The Stramoline Sales Company Sole Agents For Stramoline Manufactured by the Stramoline Company Oklahoma City Oklahoma U. S. A. Post-Office Box 666 Guaranteed under the Food and Drugs Act, June 30, 1906 Guarantee No. 18297." (On bottles) "Stramoline. (All rights reserved) This preparation contains 7% alcohol. A Specific For Asthma, all Throat and Lung Diseases, including Bronchitis, Bronchial Catarrh, Stubborn Coughs and Colds, also Catarrhal Conditions of the Stomach and Bowels and Tuberculosis (Consumption) in all its forms. The Greatest Restorative Agent Known." "Directions: A teaspoonful to a tablespoonful four times a day, after each meal and at bedtime. Children in proportion to age. The dose may be taken as prescribed, increased or diminished according to the action of the bowels. Should a severe coughing spell come on, smaller doses may be taken at short intervals. Should a laxative be required at any time use Stramoline Laxative Pills. Under all conditions sleep in a well ventilated room and take plenty of mild outdoor exercise. Persist in this treatment for six or twelve months and expect permanent relief in all cases." "Manufactured by the Stramoline Company For The Stramoline Sales Company (Sole Agents for U. S. A.) P. O. Box 666 Price $1.00 Oklahoma City, Okla. Guaranteed by The Stramoline Company under the Food and Drugs Act June 30, 1906. Guarantee No. 18279."

Misbranding of the product was alleged in the libel for the reason that the statements on the label as set forth above were false and misleading, and false and fraudulent, in that the preparation was represented to be a specific for a number of diseases including tuberculosis (consumption) in all its forms and also proclaimed to be "The Greatest Restorative Agent Known," whereas, in truth and in fact, there is no medicinal agent or mixture of medicinal ingredients known that is a specific for the diseases and conditions mentioned in the labels; and, further, the product contained no ingredient or ingredients capable of producing the therapeutic effects claimed for it or warranting the representations made on said label.

On July 21, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3125. Adulteration of seedling oranges. U. S. v. 346 Cases, More or Less, of Seedling Oranges. Decree of condemnation by consent. Product released on bond. (F. & D. No. 5257. S. No. 1830.)

On May 22, 1913, the United States Attorney for the Western District of New York filed in the District Court of the United States for said district a libel for the seizure and condemnation of 346 cases of seedling oranges, remaining unsold in the original unbroken packages, and in possession of the Wabash Railroad Co., at Buffalo, N. Y., alleging that the product had been shipped on or about May 9, 1913, by the Semi Tropic Fruit Exchange, Placentia, Cal., and transported from the State of California, into the State of New York, and charging adulteration in violation of the Food and Drugs Act. One hundred and eight cases of the product were labeled, "Las Palmas Brand Packed by Placentia Orange Growers Association Fullerton, California," and 248 cases of the product were labeled, "Colombo Brand Grown and Packed Placentia Orange Growers Association Fullerton, Orange County, California."

Adulteration of the product was alleged in the libel for the reason that the fruit had been materially damaged by freezing and was inferior and decomposed in that a transverse section through the center of more than 32 per cent of the contents of each of the boxes or packages showed a marked drying in 20 per cent or more of the exposed pulp.

On June 9, 1913, the Placentia Orange Growers Association, claimant, having admitted the allegations of the libel, and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be surrendered and delivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of $3,000, in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3126. Adulteration and misbranding of beer. U. S. v. 42 Casks of Beer. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5258. S. No. 1840.)

On June 18, 1913, the United States Attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 42 casks of quart bottles and pint bottles of beer, remaining unsold in the original unbroken packages and on the premises of Samuel Hartman, Nashville, Tenn., alleging that the product had been shipped on June 9, 1913, by the Lexington Brewing Co., Lexington, Ky., and transported from the State of Kentucky into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled "Alt Heidelberg Brau—Gebraut in Altem Styl Aus Bestem Ausgesuchtem Malz und Feinstem Saazer Hopfen Von Der Lexington Brauerei—Lexington, Ky."

It was alleged in the libel that the product was adulterated in violation of section 7 of the Food and Drugs Act of June 30, 1906, paragraphs 1 and 2 under "Food," said beer being labeled "Aus Bestem Ausgesuchtem Malz und Feinstem Saazer Hopfen," which statement was false and misleading, since an analysis of the beer revealed that some cereal or cereal product had been substituted in part for malt, which cereal or cereal product or substance had been mixed or packed with said malt so as to reduce or lower and injuriously affect the quality and strength of said beer. It was further alleged in the libel that the beer, being labeled "Alt Heidelberg Brau," representing that the beer was of foreign origin when it was a domestic brew product, was misbranded in violation of section 8 of the aforesaid act of Congress, first general paragraph and paragraph 2 under "Food," said beer being labeled in such manner as heretofore indicated so as to deceive and mislead the purchaser and purporting to be a foreign product or foreign beer when not so, the beer having on the bottles statements or labels regarding it and the ingredients or substances contained therein which were false and misleading as heretofore set out.

On October 14, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3127. Adulteration of clams. U. S. v. 40 Barrels and 1 Bag of Clams in Shell. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5259. S. No. 1841.)

On June 17, 1913, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 barrels and 1 bag of clams in shell, remaining unsold in the original unbroken packages and in possession of Capie and McAllister, Baltimore, Md., alleging that the product had been transported from the State of New Jersey

into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The product was labeled "Capie and McAllister, Baltimore. From Howard W. Sockwell, Maurice River, New Jersey."

Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy, decomposed, and putrid animal substance, to wit, filthy and decomposed clams.

On June 19, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3128. Adulteration and misbranding of wine. U. S. v. 19 Barrels of Wine. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5260. S. No. 1845.)

On June 19, 1913, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 19 barrels of wine remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by C. Giacona and Co., New Orleans, La., and transported from the State of Louisiana into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Vittoria Type—S. N. P. Claret—Made Wine Artificial Harmless Coloring—Made from Pure Dry Grapes—C. Giacona & Co., New Orleans, La.—Guaranteed under the Food and Drugs Act, June 30, 1906—Serial No. 13268—J. S. W.—6/5/13."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, an imitation wine, artificially colored to conceal inferiority, prepared partly from starch sugar, had been substituted in part for said wine. Misbranding was alleged for the reason that said food and the package and the label thereof bore a statement, design, and device regarding said food and the ingredients and substances contained therein which was false and misleading, that is to say, the words "Vittoria Type Claret," which appeared thereon, because said words would lead a purchaser to believe that said food was Vittoria type claret wine, whereas, in truth and in fact, it was not.

On July 10, 1913, Giuseppe Carresi, of Boston, Mass., claimant, having consented thereto, judgment of condemnation and forfeiture was entered and it was ordered that the product should be delivered to said claimant upon payment of the costs of proceedings, which amounted to $39.25, and the execution of the bond in the sum of $400, in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3129. Adulteration and misbranding of wine. U. S. v. 8 Barrels of Wine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5261. S. No. 1843.)

On June 20, 1913, the United States Attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 barrels, purporting and represented to contain Ohio port wine, remaining unsold in the original unbroken packages at 305 Scotland Street, Pittsburgh, Pa., alleging that the product had been shipped on or about May 28, 1913, by the Kelley's Island Wine Co., Kelley's Island, Ohio, and transported from the State of Ohio into the State of Pennsylvania, and

charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were labeled: (On one end) "Parker Brown Co., Allegheny, Pa."; (On the other end) "Sweet Pomace Wine (Gauge) Ohio Port Wine Guaranteed Under National Pure Food and Drugs Act, June 30, 1906, Kelley's Island Wine Company, Kelley's Island, Ohio".

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, an imitation product prepared in part from starch sugar, had been substituted wholly or in part for port wine. Misbranding was alleged for the reason that the product was offered for sale under the distinctive name of port wine, whereas, in fact, it was not port wine but an imitation product prepared wholly or in part from starch sugar and in imitation of port wine, and for the further reason that it was labeled and branded so as to deceive and mislead the purchaser, that is to say, was branded and labeled as port wine, whereas, in fact, it was not port wine but an imitation product prepared wholly or in part from starch sugar and in imitation of port wine; and for the further reason that it was offered for sale purporting to be a foreign product, that is to say, the words "port wine" were in large black type on the head of each barrel, and standing apart from the rest of the label near the upper part on each barrel head, and remote from the words "port wine," in materially reduced type, was the single word "Ohio," the effect of the label being to indicate that the product offered for sale was "port wine," a wine manufactured in southwestern Europe, whereas, in fact, said wine was manufactured in the State of Ohio in the United States of America. Misbranding was alleged for the further reason that the packages containing the product and their labels bore respectively a statement regarding the substances contained therein, which was false and misleading, to wit, by the label on each of said barrels the substance contained therein purported to be "port wine," whereas, in fact, the substance contained in each of said barrels was not "port wine," which is the fermented juice pressed from entire, sound, ripe grapes, but was an imitation product, prepared wholly or in part from starch sugar and in imitation of port wine.

On July 30, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3130. Misbranding of Dr. Sullivan's Sure Solvent. U. S. v. 6 Cases of Dr. Sullivan's Sure Solvent. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5262. S. No. 1844.)

On June 21, 1913, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 cases of Dr. Sullivan's Sure Solvent, remaining unsold in the original unbroken packages at Cleveland, Ohio, alleging that the product had been shipped on or about June 7, 1913, by the Dr. Sullivan Sure Solvent Co., Buffalo, N. Y., and transported from the State of New York into the State of Ohio, consigned to The Hall-Van Gorder Co., Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended. The product was labeled: (On bottles) "The most wonderful medicine known for removing the following diseases from the human system, Kidney and Liver Complaint, Catarrh of the Stomach, Rheumatism, Paralysis, Nervous Exhaustion, St. Vitus Dance, Asthma, All Female Weakness and is especially recommended for all disorders of the stomach." (On cartons) "The celebrated Dr. Sullivan's Sure Solvent Alcohol, 9 per cent Trade Mark The Most Wonderful Medicine Known For

Removing The Following Diseases From The Human System, Catarrh of the Stomach, Dyspepsia, Rheumatism, Paralysis, Nervous Exhaustion, Loss of Appetite. And is especially recommended for all disorders of the stomach, and gives the most rapid cure to those suffering from the abusive use of alcoholic beverages. Price 50 cents. Manufactured by The Dr. Sullivan Sure Solvent Company, St. Catherines, Ont., Buffalo, N. Y. Guaranteed by the Dr. Sullivan Sure Solvent Co. under the Food and Drugs Act June 30, 1906. Guaranty No. 5232. The most wonderful medicine known for removing the following diseases from the human system, Catarrh of the Stomach, Rheumatism, Paralysis, Nervous Exhaustion. Gives the most rapid cure of those suffering from the abusive use of alcoholic beverages." (On shipping cases) "1 doz. Dr. Sullivan's Sure Solvent cures all kidney, stomach and liver troubles. Take Dr. Sullivan's Sure Solvent for the Heart and Lungs." (Circulars in cartons) "Dr. Sullivan's Sure Solvent is the only remedy in the world to-day that positively will cure rheumatism and kidney trouble. The Greatest Discovery of the Age. If you feel a twinge of rheumatism, dyspepsia, or nervousness, if you are troubled with insomnia, irregularity of the heart or any other of the many ills that flesh is heir to that one little teaspoonful taken daily will banish them. If a tumor is growing, a cancer developing, no matter what ailment, short of the severance of an artery, that same little dose of Sullivan's Sure Solvent will disperse it for good."

Misbranding of the product was alleged in the libel for the reason that the statements on the labels and in said circulars were false and misleading and fraudulent; that no ingredient or ingredients in the product were capable of producing the therapeutic effects claimed for it in said statement.

On January 5, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3131. Adulteration of condensed milk. U. S. v. 5 Barrels of Condensed Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5263. S. No. 1846.)

On June 21, 1913, the United States Attorney for the Southern District of New York, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 barrels of condensed milk, remaining unsold in the original unbroken packages and in the possession of the Central Railroad of New Jersey at New York, N. Y., alleging that the product had been shipped on or about April 24, 1913, by the Cumberland Valley Creamery and Dairy Co., Chambersburg, Pa., and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product was labeled "For O. J. Weeks & Co. 216 Franklin St., New York, N. Y. From Cumberland Valley Creamery and Dairy Co. Manufacturers and Shippers of Fancy Table Butter and Dealers in Eggs. Chambersburg, Pa."

Adulteration of the product was alleged in the libel for the reason that it consisted of a decomposed animal substance and of a substance unfit for food, contrary to the provisions of section 7, paragraph 6 under "Food," of said Food and Drugs Act.

On July 8, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3132. Adulteration of Fernet Milano, Miscolanza, and Ferro China. U. S. v. 2 Cases Fernet Milano, 2 Cases Miscolanza, and 2 Cases Ferro China. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 5264. S. No. 1848.)

On June 21, 1913, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2 cases each containing 12 quart bottles of Fernet Milano, 2 cases each containing 12 quart bottles of Miscolanza, and 2 cases each containing 12 quart bottles of Ferro China, remaining unsold in the original unbroken packages, and in the possession of Peter Martello at Philadelphia, Pa., alleging that the products had been shipped on or about May 20, 1913, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The Fernet Milano was labeled, "12 bottles—fragile—fernet—Northern Italian Importer—serial No. 48473." The Miscolanza was labeled, "12 Bottles—Fragile—Miscolanza—Northern Italian Importer—Serial No. 48437." The Ferro China was labeled, "12 Bottles—Fragile—Ferro China—Northern Italian Importer—Serial No. 48437."

Adulteration of these products was alleged in the libels for the reason that they contained a certain added poisonous and deleterious ingredient, to wit, "wood alcohol," which rendered said articles of food injurious to health.

On August 1, 1913, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered as to the three products and it was ordered by the court that they should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3133. Adulteration of Fernet Milano. U. S. v. 2 Cases of Fernet Milano. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5265. S. No. 1848.)

On June 21, 1913, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cases, each containing 12 quart bottles of Fernet Milano, remaining unsold in the original unbroken packages and in the possession of Joseph Froio, Philadelphia, Pa., alleging that the product had been shipped on or about May 20, 1913, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The product was labeled, "12 bottles—fragile—fernet—Northern Italian Importer—serial No. 48473."

Adulteration of the product was alleged in the libel for the reason that it contained a certain added poisonous and deleterious ingredient, to wit, "wood alcohol," which rendered it injurious to health.

On August 1, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3134. Adulteration and misbranding of beer. U. S. v. 20 Barrels of Bottle Beer. Product released on bond by order of court. (F. & D. No. 5266. S. No. 1847.)

On June 26, 1913, the United States Attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of

the United States for said district a libel for the seizure and condemnation of 20 barrels of bottle beer, remaining unsold in the original unbroken packages and in possession of the Peter Buller Brewing Co., Salt Lake City, Utah, alleging that the product had been shipped on or about May 31, 1913, by the Ph. Zang Brewing Co., Denver, Colo., and transported from the State of Colorado into the State of Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were labeled: "Pilsener. Silver state cabinet Zang's tonic. Bass & Co's Ale & Stout The C A. Lammers Bottling Co. Denver, Colo. Exclusive bottlers for The Ph. Zang Brewing Co. 38145 Vienna Export Style Large size. International Union United Brewery Workmen. Union Bottled Beer, Ale and Porter, of America. Copyright & Trade Mark Registered." The bottles were labeled: "Vienna Style Export Beer. Brewed of choicest Bohemian Hops and Colorado Barley. Brewed by the Ph. Zang Brewing Co. Denver, Colo. Bottled expressly for table use by The C. A. Lammers Bottling Co."

Adulteration of the product was alleged in the libel for the reason that the beer was not brewed from the choicest Bohemian hops and Colorado barley, but some other cereal or cereal product had been substituted in part for malt, and barley other than that grown and produced in the State of Colorado had been used in its manufacture. Misbranding was alleged for the reason that the label set forth above contained statements regarding the ingredients and substances contained in the beer which were false and misleading.

On July 14, 1913, the Utah Brewing Co., claimant, having petitioned the court for a release of the product, it was ordered by the court that the product be delivered to said claimant, the costs of the proceeding having been paid by claimant, and a bond having been executed by it in the sum of $100, in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3135. Adulteration and misbranding of beer. U. S. v. 10 Cases, More or Less, of Old Fashion Lager Beer. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5268. S. No. 1850.)

On June 27, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases, each containing 3 dozen bottles of an article of food known as Old Fashion Lager Beer, remaining unsold in the original unbroken packages on the premises of Charles Randecker, Savanna, Ill., alleging that the product had been shipped on June 13, 1913, by the Cassville Brewery, Cassville, Wis., and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Old Fashion Lager Beer Has Age, Strength and Purity. Brewed from the finest malt and hops. Cassville Brewery, Cassville, Wis., U. S. A. Guaranty legend Serial No. 38539."

Adulteration of the product was alleged in the libel for the reason that a certain cereal or cereal product had been mixed and packed with it so as to reduce and lower and injuriously affect the quality and strength of the article of food aforesaid, and for the further reason that a certain cereal or cereal product had been substituted wholly or in part for the article of food as aforesaid. Misbranding of the product was alleged for the reason that each of the bottles was labeled as set forth above, which said label, borne upon each of the bottles aforesaid, contained pictorial representations of malt and hops, as well as hop picking and other illustrations impossible here to reproduce, and

which said statement, contained in the label upon each of the bottles, deceived and misled the purchaser into the belief that the article of food aforesaid was brewed from the finest malt and hops, whereas, in truth and in fact, it was not brewed from malt and hops alone, but contained a certain cereal or cereal product which had been substituted wholly or in part for the article of food aforesaid. Misbranding was alleged for the further reason that said statement contained in the label on each of the bottles and the pictorial representations aforesaid were false and misleading, in that said pictorial representations and said statements in the label represented to the purchaser that the article was an article of food known as Old Fashion Lager Beer, which had been brewed from the finest malt and hops, whereas, in truth and in fact, it was not brewed from malt and hops alone, but contained a certain cereal or cereal product which had been substituted in part for the article of food aforesaid.

On October 20, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3136. Adulteration and misbranding of West Baden Sprudel Water. U. S. v. 28 Cases of West Baden Sprudel Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5269. S. No. 1851.)

On June 28, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 28 cases, each containing 24 bottles of so-called West Baden Sprudel Water, remaining unsold in the original unbroken packages and in the possession of Levi & Ottenheimer, Cincinnati, Ohio, alleging that the product had been shipped from the State of Indiana into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Ask your druggist for West Baden Sprudel Water—Twenty-four large—The World's Greatest Aperient—Price 35 cents. (Trade Mark) Bottled at the springs only by The West Baden Springs Company, West Baden, Indiana.—Guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 9857; Levi & Ottenheimer, Cincinnati, Ohio.—From The West Baden Springs Co., West Baden, Indiana." (On neck of bottle) "Strictly fireproof, West Baden Springs Hotel, Open all the year. Eighth wonder of the world." (Principal bottle label consists of three panels) (First panel) "Analysis by the Columbus Laboratories of Chicago. 'Renders excellent service in all nutritional disturbances such as gout, rheumatism, uric acid, diabetes, obesity, etc., by its active influence on tissue metamorphoses, possessing ingredients essential to the process of osmosis, combustion, digestion, secretion and increasing oxidation and elimination.'" (Middle panel) "Ask your druggist for West Baden Sprudel Water, The World's Greatest Aperient. (Design—Trade Mark) Price 35 cents—Bottled at the springs only by The West Baden Springs Company, West Baden, Indiana—Guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 9857." (Third panel) "West Baden Sprudel Water is a Sulphated, Saline Hydragogue cathartic. The chloride of sodium, causing an increase of flow of gastric juice, bile, pancreatic juice and intestinal fluid, promotes appetite and aids in the process of digestion. The sulphate of sodium and magnesium directly stimulate the action of the intestines thus promoting the easy and painless removal of waste products from the system; they thus become useful in catarrh of stomach, intestinal

sluggishness, torpid liver and constipation. Dose: As a purgative, four ounces (eight tablespoonsful) and as a laxative, two ounces (four tablespoonsful) best taken in a tumbler of hot or cold water half an hour before breakfast."

Adulteration of the product was alleged in the libel for the reason that it contained and in part consisted of a filthy and decomposed animal substance. Misbranding was alleged for the reason that the aforesaid labels on the bottles and cases bore certain statements, designs, and devices regarding the article and the ingredients and substances contained therein, which said statements, designs, and devices, to wit, the name "West Baden Sprudel Water," together with the pictorial representations on the labels, were false, misleading, and deceptive, in that they represented, imported, and indicated the article to be a natural spring water without additions or abstractions of any kind, whereas, in truth and in fact, such was not the fact, and sodium sulphate, magnesium sulphate, and a little sodium chlorid had been added to the article, and that by reason of the facts aforesaid, the article was further misbranded, in that it was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof.

On July 16, 1913, no claimant having appeared for the property, although the West Baden Springs Co., West Baden, Ind., the bottler and shipper, and the firm of Levi & Ottenheimer, Cincinnati, Ohio, were given due, legal, and actual notice of the proceedings herein, an order pro confesso was entered, and thereafter on November 5, 1913, final judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3137. Adulteration and misbranding of syrup. U. S. v. 300 Cases of Syrup. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5270. S. No. 1856.)

On July 2, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 cases, each containing 24 cans of so-called Clifton Brand Golden Syrup, remaining unsold in the original unbroken packages and in the possession of the Kroger Grocery and Baking Co., Cincinnati, Ohio, alleging that the product had been shipped and transported from the State of Indiana into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Clifton Brand Golden Syrup 2 Doz #2½ Put up for Kroger Gro. & Bakg. Co Cincinnati, Columbus, Dayton, Ohio, & St. Louis, Mo." (On cans) "Clifton Brand (Pictorial design and representation of a sugar cane field and negro harvesters,) Golden Syrup; * * * * Clifton Brand (Pictorial design and representation of a girl picking flowers in a meadow) Packed for and Guaranteed by The Kroger Grocery & Baking Co Serial No. 30194 Cincinnati, Columbus, Dayton, O., and St. Louis, Mo."

Adulteration of the product was alleged in the libel for the reason that a certain substance, to wit, glucose, had been mixed and packed with the article, so as to reduce and lower and injuriously affect its quality and strength, the said article of food by its label aforesaid purporting to be a cane syrup. Adulteration was alleged for the further reason that a certain substance, to wit, glucose, had been substituted in part, that is to say, to the extent of 89.5 per centum for the article of food which by its label aforesaid purported to

be a cane syrup. Misbranding was alleged for the reason that the aforesaid labels, marks, and brands upon the cans and cases bore certain statements, designs, and devices regarding said article of food and the ingredients and substances contained therein, which said statements, designs, and devices, to wit, the words "Golden Syrup" and the pictorial design and representation showing a sugar cane field with negro harvesters cutting the sugar cane, were false, misleading, and deceptive, in that they represented, imported, and indicated the article of food to be a cane syrup, whereas, in truth and in fact, the article of food was 89.5 per cent glucose, was not a cane syrup, and was not entitled to a label representing it to be a cane syrup. Misbranding was alleged for the further reason that the article of food was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof, for that the labels, marks, and brands aforesaid were calculated and intended to convey the impression and create the belief in the mind of the purchaser of the article of food that the same was a cane syrup, whereas, in truth and in fact, the article was not a cane syrup, and consisted to the extent of 89.5 per centum of glucose.

On July 15, 1913, the said Kroger Grocery and Baking Co., claimant, having filed its claim and answer admitting the allegations in the libel, consenting to a decree, and tendering payment of all costs and a good and sufficient bond, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and restored to said claimant upon payment of all the costs of the proceedings, which amounted to $25.85, and the execution of bond in the sum of $1,000, in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3138. Adulteration and misbranding of vanilla extract. U. S. v. 1 Barrel of Vanilla Extract. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5271. S. No. 1857.)

On or about July 2, 1913, the United States Attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel of an article of food represented to be vanilla extract, remaining unsold in the original unbroken package, and in possession of the S. E. Carr Co., Inc., Spokane, Wash., alleging that the product had been shipped under invoice dated May 7, 1913, by Julius Niclas and Co., Chicago, Ill., and transported from the State of Illinois into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (Stencil on barrel) "31–1/2 Gals standard Van." (On shipping tag) "Carr's Dept. Store, Spokane, Washington, Dept. B, from Julius Niclas and Co., Artistic and Ornamental Confectioners, 2260 Clybourn Ave., Chicago."

Adulteration of the product was alleged in the libel for the reason that it contained vanillin, 0.29 per cent, coumarin, 0.22 per cent, resins, none, [with a] lead number, 0.03, color, caramel, and an imitation extract of vanilla had been mixed and packed with said product in such a manner as to reduce and lower and injuriously affect its quality and strength and had been substituted for it, and it was also colored in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that the labeling of the product was misleading and false so as to deceive and mislead the purchaser, and so as to offer the same for sale as an article of standard strength and quality.

On October 3, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3139. Adulteration and misbranding of vanilla extract. U. S. v. 1 Barrel of Vanilla Extract. Product ordered released on bond. (F. & D. No. 5272. S. No. 1859.)

On July 8, 1913, the United States Attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel of vanilla extract, remaining unsold in the original unbroken package and in possession of the Sweet Candy Co., Salt Lake City, Utah, alleging that the product had been shipped by A. Irvine Co., San Francisco, Cal., on or about May 29, 1912, and transported from the State of California into the State of Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Essence of Vanilla guaranteed pure—A. Irvine Co. Manufacturing Chemists, 715–17–19–21 Battery St. San Francisco, California. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 31595."

Adulteration of the product was alleged in the libel for the reason that it contained an imitation of vanilla extract which had been mixed with and substituted in part for vanilla extract. Misbranding was alleged for the reason that the label above set forth was false and misleading so as to mislead and deceive the purchaser thereof in that said label represented the contents of the barrel to be guaranteed pure essence of vanilla, whereas, in truth and in fact, the product contained in part an imitation vanilla extract so mixed and packed with it as to reduce and lower its quality and strength, and said product was not in fact a pure essence of vanilla.

On July 30, 1913, the case having come on for hearing and it appearing to the satisfaction of the court that all the costs of the proceedings, amounting to the sum of $17.67, had been paid by the said Sweet Candy Co., claimant, and that said claimant had executed bond in the sum of $150, in conformity with section 10 of the act, it was ordered by the court that the product should be delivered to said claimant.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 21, 1914.*

3140. Adulteration and misbranding of wine. U. S. v. 15 Cases of Wine. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5273. S. No. 1858.)

On July 5, 1913, the United States Attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing 12 bottles of wine, 15 of which cases remained unsold in the original unbroken packages and in the possession of Hermann Bros., Louisville, Ky., alleging that the product had been shipped on March 4, 1913, by the Sweet Valley Wine Co., Sandusky, Ohio, and transported from the State of Ohio into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Special Scuppernong Bouquet. Delaware and Scuppernong Blend Ameliorated with sugar." (On two ends) (On one side) "12 bottles" (On other side) "Hermann Bros. Louisville, Ky. Keep from freezing. Glass with care." The bottles were labeled: (Neck label) "Guaranteed by the Sweet

Valley Wine Co. under the Food and Drugs Act, June 30, 1906. Special—Trade Mark." (Principal label) "Delaware and Scuppernong Blend Ameliorated with Sugar Solution—Scuppernong Bouquet Wine—The Sweet Valley Wine Co., Sandusky, O.—Registered—Trade Mark."

Adulteration of the product was alleged in the libel for the reason that another substance than Scuppernong or Delaware wine had been mixed with it so as to injuriously affect its quality, to wit, a certain product prepared, sweetened, mixed, and flavored in imitation of Scuppernong wine, and said words in said brands upon the cases, to wit, "Special Scuppernong Bouquet Delaware and Scuppernong Blend Ameliorated with sugar," and said words upon the bottle labels, to wit, "Delaware and Scuppernong Blend Ameliorated with Sugar Solution Scuppernong Bouquet Wine," indicated that the product consisted exclusively of Delaware wine and Scuppernong wine with sugar or sugar solution added, when, in truth and in fact, some product, a further description of which was to the United States attorney unknown, had been substituted for Delaware and Scuppernong wine, and had been mixed with said wine so as to injuriously affect its quality. Misbranding was alleged for the reason that each of the bottles of wine bore a statement regarding the substance contained therein which was false and misleading, to wit, a label bearing among other things the words "Delaware and Scuppernong Blend Ameliorated with Sugar Solution Scuppernong Bouquet Wine," which said statement and label was false and misleading, in that it represented the contents of each of the bottles to be a blend of Delaware and Scuppernong wine exclusively with sugar solution added thereto, whereas, in fact and in truth, some other product, a further description of which was to the United States attorney unknown, had been substituted in part for Delaware and Scuppernong wine.

On September 2, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3141. Adulteration and misbranding of brandy. U. S. v. 4 Cases of Brandy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5274. S. No. 1862.)

On July 11, 1913, the United States Attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases, each containing 12 bottles, purporting and represented to contain brandy, remaining unsold in the original unbroken packages and within the premises at No. 630 Smithfield St., Pittsburgh, Pa., alleging that the product had been shipped on or about February 26, 1913, by the Cook & Bernheimer Co., New York, N. Y., and transported from the State of New York into the State of Pennsylvania, consigned to W. J. Friday & Co., Pittsburgh, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Maure Frères Choice Brandy Blended Feby. 24, 1913, No. 701, Glass this side up. Caution: Examine case carefully and if it shows any evidence of having been tampered with open in the presence of transportation agent W. J. Friday & Co., Pittsburgh, Pa." (On bottles) (On neck label with a design of two stars) "Maure Frères." (On principal label) A design and "Maure Frères Brand Cognac Type Blended Brandy."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, an imitation brandy product, had been mixed and packed

with it so as to reduce, or lower, or injuriously affect its quality or strength. Misbranding was alleged for the reason that the packages containing the product and their labels bore respectively a statement regarding the substance contained therein which was false and misleading, to wit, by the label on each of the bottles the substance purported to be "cognac type blended brandy," when, in truth and in fact, it was an imitation brandy product. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, that is to say, it was branded and labeled "Maure Frères Brand Cognac Type Blended Brandy," giving the impression thereby that the product was a brandy of cognac type, when, as a matter of fact, it was an imitation brandy. Misbranding was alleged for the further reason that the product was offered for sale purporting to be a foreign product, that is to say, the words "Maure Frères Brand Cognac Type Blended Brandy" indicated that the product was a mixture of foreign brandies of cognac type, when, as a matter of fact, it was of domestic origin.

On November 24, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3142. Adulteration of apricot pulp. U. S. v. 10 Cases of Apricot Pulp. Consent decree of condemnation and forfeiture as to 16 cans of the product. Order of destruction entered. 82 cans of the product released to claimants. (F. & D. No. 5276. S. No. 1864.)

On July 16, 1913, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases of apricot pulp, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by Schall & Co., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 5, 1913, Schall & Co., claimant, filed its claim for the product, and on September 9, 1913, an agreement was entered into between the attorney for the United States and claimants, that 16 cans of the product were unfit for food and that the balance, 82 cans, appeared to be fit for food purposes. It was further agreed that a decree might be entered, ordering the destruction of 16 cans and the return of the 82 cans to the claimant.

On September 16, 1913, judgment of condemnation and forfeiture as to the 16 cans of the product was entered, in accordance with the agreement referred to, and it was ordered by the court that said product should be destroyed by the United States marshal. It was further ordered that if, within 30 days, said claimant should pay the costs of the proceedings, amounting to $32.56, and other expenses incident to the destruction of the 16 cans, the remaining 82 cans should be delivered to said claimant.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3143. Misbranding of evaporated milk. U. S. v. 9 Cases of Milk. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5277. S. No. 1860.)

On July 15, 1913, the United States Attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel for the seizure and condemnation of 9 cases of evaporated milk, remaining unsold in the original unbroken packages and within the warehouse of Orr, Jackson & Co., Nashville, Tenn., alleging that the product had been shipped on or about May 31, 1913, by the Denmark Condensed Milk Co., Denmark, Wis., and transported from the State of Wisconsin into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "16 ounces—net weight—Danish prize—evaporated (design flags and medal) unsweetened uncolored sterilized milk—manufactured by Denmark Condensed Milk Co., Denmark, Wis., U. S. A." "Danish Prize Evaporated Sterilized Milk. The world's purest and best product." "Everybody after using Danish Prize wants no other. After you use one can you will always want it." On rear portion of the can was a double label in two panels, the first giving directions for use of product, and the second, under the heading "guaranty," making statements relative to the purity of the milk. Between these two panels was the following: "Contains not less than 7.80 per cent B. F. 24 per cent solids."

Misbranding of the product was alleged in the libel for the reason that the product was labeled as set forth above, whereas an analysis of a sample in the Bureau of Chemistry of the Department of Agriculture showed it to contain total solids, 25.70 per cent, and fat, 7.33 per cent, and, whereas the milk was not sufficiently evaporated to be entitled to the label "evaporated milk," such label or brand was false and misleading in that it did not accurately state the percentage of butter fat in declaring 7.80 per cent when an examination revealed only 7.33 per cent. It was further alleged in the libel that the milk was misbranded in violation of section 8 of the Food and Drugs Act, first general paragraph and paragraph 2 under "Food," and that the milk was labeled as aforesaid so as to mislead and deceive purchasers.

On October 11, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered that the product should be sold by the United States marshal, after obliterating the labels appearing thereon and substituting therefor "Concentrated Milk."

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3144. Adulteration of tomato pulp. U. S. v. 1,000 Cases of Tomato Pulp. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 5279. S. No. 1868.)

On July 18, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages and in possession of the Kroger Grocery & Baking Co., Cincinnati, Ohio, alleging that the product had been transported in interstate commerce from the State of Indiana into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The product was labeled, "Scott Co. Brand Whole Tomato Pulp. Packed by Austin Canning Co. Austin, Ind. * * * This Tomato Pulp is especially made for home use as a condiment with Macaroni or Tomato Soup and as a sauce for Roasts and Stews."

Adulteration of the product was alleged in the libel for the reason that it contained and consisted of a filthy, decomposed, and putrid vegetable substance.

On November 15, 1913, the Austin Canning Co., Austin, Ind., claimant, having filed its answer, admitting the facts set forth in the libel, and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that said claimant pay all the costs of the proceeding.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3145. Adulteration of peaches. U. S. v. 4 Bags of Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5282. S. No. 1872.)

On July 22, 1913, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 bags of peaches, remaining unsold in the original unbroken packages and in possession of the Chesapeake Steamship Co., at Baltimore, Md., alleging that the product had been transported from the State of Virginia into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Shipped by Hamlin and Co. P. O. Address Danville Va. R. S. Jackson Produce Co. Produce Commission Merchants Egg Poultry Butter No. 113 S. Charles St., Baltimore, Md."

Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy and decomposed vegetable substance, to wit, filthy and decomposed peaches.

On October 17, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3146. Adulteration of canned salmon. U. S. v. 1200 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5284. S. No. 1873.)

On July 26, 1913, the United States Attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,200 cases of canned salmon, remaining unsold in the original unbroken packages and in the possession of the V. B. Atkins Grocery and Commission Co., Selma, Ala., alleging that the product had been shipped on July 16, 1912, by Philip J. Bradley, Seattle, Wash., and transported from the State of Washington into the State of Alabama, and charging adulteration in violation of the Food and Drugs Act. A part of the product was labeled: "Tatoosh Brand, (design of salmon) Caught in salt water, Salmon—Tatoosh Brand—Directions—On no account keep salmon in tin after opening—this fish is cooked ready for use; if desired hot place can in boiling water 20 minutes before using. Salmon—empty contents soon as opened." The remainder of the product was labeled: "Tatoosh Brand. (Then follows picture of light-house) Tatoosh Island Light-House; Cape Flattery, Washington—Salmon * * * Empty contents of can as soon as opened. Directions. On no account keep salmon in tin after opening. This fish is cooked ready for use. If desired hot place can in boiling water 20 minutes before using—Tatoosh Brand Salmon—caught in salt water."

Adulteration of the product was alleged in the libel for the reason that it was so badly decomposed as to be unfit for human consumption as food.

On July 30, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3147. Adulteration of dried apples. U. S. v. 118 Sacks of Dried Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5286. S. No. 1876.)

On July 30, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 118 sacks, each containing approximately 75 pounds of dried apples, remaining unsold in the original unbroken packages and in possession of the Cincinnati Ice Mfg. & Cold Storage Co., as bailee, for the Lippincott Co., Cincinnati, Ohio, alleging that the product had been shipped by Davidson Bros., Glasgow, Ky., to R. A. Holden & Co., Cincinnati, Ohio, and transported from the State of Kentucky into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The product was unlabeled except for shipping tags attached to each of the sacks bearing the following inscription: "For R. A. Holden & Co., Cincinnati, Ohio, from Davidson Bros., Incorporated, Wholesale Groceries and Produce, Glasgow, Kentucky."

Adulteration of the product was alleged in the libel for the reason that it contained and consisted of a filthy and decomposed vegetable substance.

On September 10, 1913, no claimant having appeared for the property, an order pro confesso was entered. On November 5, 1913, a formal decree of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3148. Adulteration of tomato pulp. U. S. v. 275 Cases of Tomato Pulp. Consent decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. Nos. 5287, 5289. S. No. 1877.)

On July 30, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 275 cases, each containing 48 cans of tomato pulp, 175 of which cases remained unsold in the original unbroken packages and in possession of A. Janszen & Co., and 100 of said cases in the possession of the Colter Co., both of Cincinnati, Ohio, alleging that the product had been shipped by the Austin Canning Co., Vienna, Ind., and transported from the State of Indiana into the State of Ohio, and consigned to D. McKim-Cooke Co., Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act. The product was labeled on cases and cans: "Scott Co. Brand Whole Tomato Pulp Packed by Austin Canning Co. Austin, Ind. Guaranteed by Austin Canning Company under the Food and Drugs Act, June 30, 1906. This Tomato Pulp is especially made for home use as a condiment with Macaroni or Tomato Soup and as a sauce for Roasts and Stews."

Adulteration of the product was alleged in the libel for the reason that it contained and consisted of a filthy and decomposed vegetable substance.

On November 15, 1913, the said Austin Canning Co., claimant, having filed its answer admitting the facts set forth in the libel, and consenting to a decree,

judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that the costs of the proceedings should be paid by said claimant.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3149. Adulteration and alleged adulteration of tomato pulp. U. S. v. 400 and 1,000 Cases of Tomato Pulp. Consent decree of condemnation, forfeiture, and destruction as to the 400 cases. Libel dismissed as to the 1,000 cases. (F. & D. No. 5288. S. No. 1878.)

On July 30, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 400 cases and 1,000 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages in possession of A. Janszen & Co., Cincinnati, Ohio, alleging that the product had. been transported in interstate commerce from the State of Maryland into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The 400 cases were labeled: "4 Doz. No. 1 Victory Strained Tomato Trimmings and Tomato Pulp—Packed by John Boyle Co., Baltimore, Md.—A. J. Cin., O." The cans in these cases were labeled: "Victory Brand Strained Tomato Trimmings and Tomato Pulp—For Soup—Packed by The John Boyle Co., at Baltimore, Md." The 1,000 cases were labeled: "4 Doz. No. 1 Yale Brand Strained Tomato Trimmings and Tomato Pulp—Packed by The John Boyle Co., A. J. Cin., O." The cans in the 1,000 cases were labeled: "Yale Brand Strained Tomato Trimmings and Tomato Pulp—For Soup—Guaranteed by The John Boyle Co., under the Food and Drugs Act June 30, 1906, Serial No. 4378.—The John Boyle Co., Baltimore, Md., Distributors."

Adulteration of the product was alleged in the libels for the reason that said article of food contained and consisted of a filthy and decomposed vegetable substance.

On November 15, 1913, the case against the 1,000 cases having come on for hearing, upon motion of the United States attorney the case was dismissed and it was ordered by the court that the product should be redelivered to the claimant thereof, the John Boyle Co., Baltimore, Md.

On November 26, 1913, the said John Boyle Co., claimant for the 400 cases of pulp, having filed its answer admitting the facts set forth in the libel and consenting to a decree, judgment of condemnation and forfeiture as to the 400 cases was entered, and it was ordered by the court that the product should be destroyed by the United States marshal and that the costs of the proceeding should be paid by said claimant.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3150. Adulteration of hog casings. U. S. v. 8 Tierces of Hog Casings. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5290. S. No. 1879.)

On July 29, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 tierces of hog casings, remaining unsold in the original packages and in possession of Berth-Levi Co., Chicago, Ill., alleging that the product had been shipped on July 21, 1913, by the Rath Packing Co., Waterloo, Iowa, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance, and for the further reason that it consisted wholly or in part of a portion of an animal unfit for food.

On September 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3151. Adulteration of shell eggs. U. S. v. 12 Tubs of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5291. S. No. 1880.)

On July 31, 1913, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and, on August 5, 1913, an amended libel, for the seizure and condemnation of 12 tubs of shell eggs, remaining unsold in the original packages and in possession of the Western Egg Yolk Co., Jersey City, N. J., alleging that the product had been shipped on or about July 28, 1913, by the Western Egg Yolk Co., doing business in New York, N. Y., and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The product was unlabeled.

Adulteration of the product was alleged in the libel for the reason that the eggs were filthy, decomposed, or putrid.

On August 19, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3152. Adulteration of tomato pulp. U. S. v. 912 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5292. S. No. 1883.)

On August 2, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 912 cases of tomato pulp in cans varying in size from 5 to 6 gallons, remaining unsold in the original unbroken packages and in possession of the Cincinnati Storage & Warehouse Co., as bailee of the Jersey Packing Co., the owner of the product, Cincinnati, Ohio, alleging that the product had been transported in interstate commerce from the State of Delaware into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The product bore no label. Adulteration of the product was alleged in the libel for the reason that it contained and consisted of a filthy and decomposed vegetable substance.

On November 15, 1913, no claimant having appeared for the property, an order pro confesso was entered.

On January 10, 1914, the case having come on for final hearing, upon motion of the United States attorney for judgment, and upon the testimony of witnesses offered ex parte on behalf of libelant to sustain the allegations of the libel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3153. Adulteration of sweet peppers. U. S. v. 10 Cases of Sweet Peppers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5293. S. No. 1881.)

On August 4, 1913, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases of sweet peppers, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by the Lehigh Sales Co., New York, N. Y., and transported from the State of New York into the Commonwealth of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Chico Brand Spanish Sweet Red Peppers Net Weight approximately 15–½ ounces Packed at Calahorray Callur Spain B. Y. Doroteo Moreno."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 2, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3154. Misbranding of Russell's White Drops. U. S. v. 1 Gross of Russell's White Drops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5294. S. No. 1882.)

On August 5, 1913, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 gross of a product called "Russell's White Drops," a drug, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by the Russell Medicine Co., Providence, R. I., and transported from the State of Rhode Island into the Commonwealth of Massachusetts, and charging misbranding in violation of the Food and Drugs Act and amendments thereto. The product was labeled: (On front of carton) "Russell's White Drops—An Invaluable Remedy for the relief and cure of wind colic, acidity of the stomach, diarrhœa, dysentery, restlessness, etc., in children teething. Harmless and effectual. It softens the gums, allays all pain, prevents convulsions, reduces inflammation, regulates the bowels and produces quiet, natural sleep. Price, 25 cents. Sold by all Druggists. None genuine without fac-simile of my signature on label and wrapper Wm. Russell, Jr. Registered in U. S. Patent Office." On each carton on one side appears: "Russell's White Drops. This preparation is not a recent discovery. It has been used for years in thousands of cases with never-failing success, and received the highest recommendations from Physicians, Nurses and Mothers," while on the other side appears: "Caution. Manufactured by The Russell Medicine Co., Providence, R. I. See that the fac-simile of my signature is on label and wrapper. W. Russell, Jr." On back of carton in small type is announcement of the presence of alcohol and codein. This announcement with the statements immediately following are: "Russell's White Drops contain 10 per cent. alcohol also ¼ grain of codein per oz. Warranted to be free from any injurious effects or drug forming habits, according to the authority of the most eminent medical experts of the United States and Europe. Guaranteed under the Food and Drugs Act of June 30, 1906, and filed with the Secretary of Agriculture at Washington. Serial Number 1730. Russell Medicine Co., Prov., R. I." The bottle is labeled: "Russell's White Drops for Babies—A safe and effectual remedy for babies and children teething. This preparation will soften

the gums, allay all pain, reduce inflammation, correct acidity of the stomach, regulate the bowels, relieve wind and produce quiet, natural sleep. Contains 10% alcohol. Codein ¼ gr. per fl. oz." In addition to above, that portion which declares alcoholic and codein content being in inconspicuous type, the bottle label bears directions and the name and address of manufacturer.

Misbranding of the product was alleged in the libel for the reason that the packages containing the drug failed to bear a true statement on the label thereof of the quantity of alcohol and codein, a derivative of opium, contained therein, inasmuch as the statement contained on the packages, "Russell's White Drops contain 10 per cent alcohol also ¼ grain of codein per oz.," was not true, because said drug contained a much larger quantity of said alcohol and of said codein per ounce. Misbranding was alleged for the further reason that the packages and labels thereof bore certain statements, designs, and devices regarding the curative and therapeutic effect of said product and the ingredients and substances contained therein, which said statements, designs, and devices were in substance and effect as follows: "That said drug was a safe and effectual remedy for babies and children teething; that said preparation, namely, said drug, would soften the gums, reduce inflammation, correct acidity of the stomach, regulate the bowels, and produce quiet, natural sleep; that said drug was an invaluable remedy for the relief and cure of wind colic, acidity of the stomach, diarrhœa, dysentery—harmless and effectual; and that said drug would prevent convulsions," and were untrue, because, in truth and in fact, said drug was not a safe and effectual remedy for babies and children teething, and would not soften the gums, reduce inflammation, correct acidity of the stomach, regulate the bowels, and produce quiet and natural sleep, and was not a remedy for the relief and cure of wind colic, acidity of the stomach, diarrhœa and dysentery, and was not harmless and effectual, and would not prevent convulsions.

On November 18, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3155. Adulteration and misbranding of canned peaches. U. S. v. 25 Cases of Canned Peaches. Product ordered released on bond. (F. & D. No. 5295. S. No. 1884.)

On or about August 6, 1913, the United States Attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of canned peaches, remaining unsold in the original unbroken packages at Richmond, Va., alleging that the product had been shipped on or about July 19, 1913, by J. Luddington & Co., Baltimore, Md., to Thomas P. Deitrick & Co., Richmond, Va., and transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "J. Luddington and Company, 2 dozen No. 3 Jackson Brand Peaches, Baltimore, Md." (On cans) "Jackson Brand Table Peaches, Jackson Brand, packed by J. Luddington and Company, Baltimore, Md."

Adulteration of the product was alleged in the libel for the reason that there was added to each can such quantity of water as to reduce the quality and standard of the product, the said cans containing from 12 to 15 ounces of fruit, or less than one-half the capacity of the cans, and the remainder consisting of a watery, unsweetened liquid, the amount of water being in excess of that required for proper processing, and being a substitution for the article

stated upon the label, and the same being misbranded in that the contents do not consist of table peaches, but only of one-half table peaches and one-half of unsweetened watery liquid, the said labels being therefore false and misleading.

On October 22, 1913, Frank Onion and George F. Luddington, trading under the firm name and style of J. Luddington & Co., Baltimore, Md., having filed their claim and petition, praying a delivery of the property to them on bond, it was ordered by the court that the product should be delivered to said claimants upon the execution of bond in the sum of $150, in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3156. Adulteration and misbranding of canned peas. U. S. v. 25 Cases of Canned Peas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5296. S. No. 1885.)

On August 8, 1913, the United States Attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of canned peas, remaining unsold in the original unbroken packages at Richmond, Va., alleging that the product had been shipped on or about April 19, 1913, by S. H. Levin's Sons, Philadelphia, Pa., consigned to Charles E. Brauer Co., Richmond, Va., and transported from the State of Pennsylvania into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Two doz. No. 2 Canned Celtic Brand Peas, packed from dried peas Alonzo Jones, Leipsic, Del." (On cans) "Celtic Brand Peas, packed from dried green peas, Celtic Brand, Alonzo Jones, packer, Leipsic, Del." A cut of green peas in pods was shown on the can, and contents stated as "Peas, salt, sugar, water."

Adulteration of the product was alleged in the libel for the reason that it consisted of a decomposed and putrid vegetable substance, and of dried, soaked peas, and peas generally known as sour flats, the same having undergone a fermentation as the result of a defect in the process of manufacture or in the use of spoiled peas. Misbranding was alleged for the reason that the contents of the cans did not consist of green peas but of sour flats, and the labels on the cans were calculated to deceive in that the impression created by the same was that the contents were green peas, when, as a matter of fact, the product consisted of dried soaked peas.

On August 25, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3157. Adulteration of mint tablets. U. S. v. 40 Boxes of Mint Tablets. Default decree of forfeiture, condemnation, and destruction. (F. & D. No. 5297. S. No. 1888.)

On or about August 12, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 boxes of mint tablets, each containing 30 retail tin packages, remaining unsold in the original unbroken packages and in possession of The E. W. Dunstan Co., New York, N. Y., alleging that the product was shipped on or about October 2, 1912, by The Manufacturing Company of America, Philadelphia, Pa., and transported from the State of Pennsyl-

vania into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The shipping cases were unlabeled, but on the counter display box, which contained 30 of the retail packages, the following label appeared: "U-ALL-NO Mint Tablets—5c Each box contains 18 tablets." On the lid of this counter display box appeared: "U-ALL-NO Mint Tablets."

Adulteration of the product was alleged in the libel for the reason that it contained an ingredient deleterious and detrimental to health, that is to say, said confectionery contained over 5 per cent talc, contrary to the provisions of section 7, subdivision second, under "Confectionery," of said Food and Drugs Act.

On September 24, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3158. Misbranding of wine. U. S. v. 10 Cases of Wine. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5298. S. No. 1890.)

On August 13, 1913, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases of wine, remaining unsold in the original unbroken packages at Cleveland, Ohio, alleging that the product had been shipped in interstate commerce, on or about July 15, 1913, by the Nectar Co., New York, N. Y., consigned to the Adler Co., Cleveland, Ohio, and transported from the State of New York into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Champion—24 bottles—Pints". (On bottles, principal label) "(Design of charioteer) Champion—Not fermented in the bottle—Guaranteed and produced by the N. Co. New York, The Nectar Co. N. Y. U. S. A. Serial No. 26497." (Neck label) "Champion (design of charioteer) trade mark regist—U. S. Pat. Off. contains about 14 ounces 'extra Dry'"; also a foil cap impressed with the words "Extra Dry," and a seal or coat of arms.

It was alleged in the libel that the product was misbranded in violation of paragraph 1, under "Foods," of section 8 of the act of Congress approved June 30, 1906, commonly known and designated as the Food and Drugs Act, in that it was an imitation of champagne. It was also alleged that the product was misbranded within the meaning of the first general paragraph of section 8 of said act and paragraphs 2 and 4, under "Foods," of said section 8, in that the statement "Extra Dry," borne on the metal cap and neck label, was false and misleading, as it deceived the purchaser into the belief that the article was a champagne, whereas in fact it was not a champagne.

On January 5, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3159. Adulteration and misbranding of so-called Scuppernong type wine. U. S. v. 1 Barrel of Wine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5299. S. No. 1891.)

On August 13, 1913, the United States Attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure

and condemnation of 1 barrel purporting and representing to contain a Scuppernong type wine, Ohio product, remaining unsold in the original unbroken package and in possession of Benedict & Eberle Co., Pittsburgh, Pa., alleging that the product had been shipped on or about July 15, 1913, by A. Schmidt, Jr. & Bros. Wine Co., Sandusky, Ohio, and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "A Scuppernong Type Wine Ohio Product Benedict & Eberle Company Pittsburgh, Pa."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, an imitation product prepared in whole or in part from another wine or wines, or base wine sweetened and mixed in imitation of Scuppernong wine, had been substituted wholly or in part for Scuppernong wine. Misbranding was alleged for the reason that the product was offered for sale under the distinctive name of Scuppernong wine, whereas, in fact, it was not Scuppernong wine but was an imitation product, prepared wholly or in part from another wine or wines, or base wine sweetened and mixed in imitation of Scuppernong wine.

On November 24, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3160. Adulteration and misbranding of Scuppernong wine. U. S. v. 8 Barrels of Bottled Scuppernong Wine and 3 Barrels of Scuppernong Wine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5300. S. No. 1892.)

On August 13, 1913, the United States Attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 8 barrels, each containing 6 dozen bottles of so-called Scuppernong wine, and 3 barrels of so-called Scuppernong wine, remaining unsold in the original unbroken packages and in possession of the Old Kentucky Whiskey Co., Detroit, Mich., alleging that the product had been shipped on July 24, 1913, by the Sweet Valley Wine Co., Sandusky, Ohio, and transported from the State of Ohio into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The bottled goods were labeled: (On barrels) "Wine—Glass with care—Old Kentucky Whiskey Co. Detroit, Mich." (On bottles, neck label) "Serial No. 124 Guaranteed by The Sweet Valley Wine Company under the Food and Drugs Act, June 30, 1906." (Principal label) "Scuppernong Bouquet Wine, Delaware and Scuppernong Blend Ameliorated with Sugar Solution—The Sweet Valley Wine Co., Sandusky, Ohio." The wine in bulk was labeled: (On one end of barrels) "A Ohio Scuppernong Wine—Guaranteed by the Sweet Valley Wine Co. under Food and Drugs Act, June 30, 1906." (On other end of barrels) "Old Kentucky Whiskey Co., Detroit, Mich."

It was alleged in the libels that the products were adulterated in violation of section 7 of the Food and Drugs Act and of paragraphs 1 and 2, under "Food" of said act, an examination of samples of the products by the Bureau of Chemistry of the Department of Agriculture having revealed that the products were imitation Scuppernong wines, made in whole or in part from another wine or wines, or base wine, sweetened and mixed in imitation of Scuppernong wine. It was also alleged that the products were misbranded in violation of paragraph 1 of section 8 of the Food and Drugs Act under the classification of "Food," for the reason that the barrels of so-called wine by

the labels contained thereon were labeled and printed so as to deceive and mislead the purchaser thereof, and said products were adulterated in that a substitution had been mixed and packed with them so as to reduce and lower and injuriously affect their quality and strength, and that a substance had been substituted in part for the articles, and an analysis of samples disclosing the fact that the products were imitations of Scuppernong wine, made in whole or in part from another wine or wines, or base wine, sweetened or mixed in imitation of Scuppernong wine.

On October 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3161. Adulteration and misbranding of wine. U. S. v. 2 Barrels of Wine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5301. S. No. 1895.)

On August 14, 1913, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels, each containing 50 gallons of wine, remaining unsold in the original unbroken packages and in possession of the St. Louis Wine and Liquor Co., St. Louis, Mo., alleging that the product had been shipped on or about July 10, 1913, from the State of Ohio into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "A Ohio Scuppernong Wine Guaranteed by The Sweet Valley Wine Co. under the Food and Drugs Act June 30, 1906."

Adulteration of the product was alleged in the libel for the reason that it was not Scuppernong wine, as the labels stated and indicated, but, on the contrary thereof, a substance consisting in whole or in part of a mixture or base of wines, which had been sweetened, flavored, and mixed in imitation of Scuppernong wine, had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength; and, further, in that a substance, consisting wholly or in large part of a mixture or base of wines, which had been sweetened, flavored, and mixed in imitation of Scuppernong wine, had been substituted wholly or in part for Scuppernong wine. Misbranding was alleged for the reason that the product consisted wholly or in large part of a mixture or base of wines which had been sweetened, flavored, and mixed in imitation of Scuppernong wine and contained practically no Scuppernong wine; and said product was an imitation of and offered for sale under the distinctive name of another article, to wit, Scuppernong wine; and, further, in that said labels on the barrels, to wit, "Ohio Scuppernong Wine," would deceive and mislead the purchaser thereof into the belief that said product was Scuppernong wine, whereas, in truth and in fact, it was not Scuppernong wine, but a mixture of other wines; and further in that said labels on the barrels, to wit, "Ohio Scuppernong Wine," were descriptive of the substance contained in said barrels, and were false and misleading in that said product was not Scuppernong wine.

On October 10, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3162. Adulteration and misbranding of wine. U. S. v. 3 Barrels of Wine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5303. S. No. 1897.)

On August 14, 1913, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels of wine, each containing 50 gallons of wine, remaining unsold in the original unbroken packages and in possession of J. Simon and Son, St. Louis, Mo., alleging that the product had been transported from the State of Ohio into the State of Missouri on or about July 19, 1913, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Scuppernong Type Wine Ohio Product J. Simon and Son St. Louis, Mo. 9190 Vandalia East St. Louis 23."

Adulteration of the product was alleged in the libel for the reason that it was not Scuppernong wine, as the label stated and indicated, but, on the contrary thereof, a substance consisting wholly or in part of a mixture or base of wines which had been sweetened, flavored, and mixed in imitation of Scuppernong wine had been mixed and packed with said product so as to reduce, lower, and injuriously affect its quality and strength; and, further, in that a certain substance consisting wholly or in large part of a mixture or base of wines which had been sweetened, flavored, and mixed in imitation of Scuppernong wine had been substituted wholly or in part for Scuppernong wine. Misbranding was alleged for the reason that the product consisted wholly or in large part of a mixture or base of wines which had been sweetened, flavored, and mixed in imitation of Scuppernong wine and contained practically no Scuppernong wine; and, further, in that said product was an imitation of and offered for sale under the distinctive name of another article, to wit, Scuppernong wine; and further, in that the labels on the barrels, to wit, "Scuppernong Type Wine," would deceive and mislead the purchaser thereof into the belief that the product was Scuppernong wine, whereas, in truth and in fact, it was not Scuppernong wine but was a mixture of other wines; and, further, in that said labels on the barrels, to wit, "Scuppernong Type Wine," were descriptive of the substance contained in the barrels and were false and misleading, in that said product was not Scuppernong wine.

On October 10, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, the court finding, among other things, that the product had been shipped in interstate commerce by the A. Schmidt, Jr., & Bros. Wine Co., Sandusky, Ohio. Destruction of the product was ordered by the court.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3163. Misbranding of wine. U. S. v. 66 Bottles, More or Less, of Wine. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5304. S. No. 1903.)

On August 14, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 66 bottles, more or less, of so-called "Extra Dry Champion," packed in 2 barrels, remaining unsold in the original unbroken packages and upon the premises of Marco Bros., Chicago, Ill., alleging that the product had been shipped on June 30, 1913, by The Nectar Co., New York, N. Y., and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Extra Dry Champion. Guaranteed by us to meet the requirements of

the Pure Food Law. Serial No. 26497. The Nectar Co., Sole Agents for U. S. and Canada." "Champion Extra Dry." "Extra Dry." The label on the bottles also contained a pictorial representation of a seal or coat of arms.

Misbranding of the product was alleged in the libel for the reason that each of the bottles was labeled as set forth above, which said statement upon the label on each of the bottles and the statements, designs, and devices upon the labels aforesaid attached to each of the bottles were false and misleading in that the labels purported to state that the article of food was a champagne, whereas, in truth and in fact, the product, to wit, the wine called "Extra Dry Champion," was not a champagne but an artificially carbonated product. Misbranding was alleged for the further reason that the statements, designs, and devices upon the labels aforesaid misled and deceived the purchaser into the belief that the article of food was a champagne, whereas, in truth and in fact, the article, to wit, the wine called "Extra Dry Champion," was not a champagne but was an artificially carbonated product. Misbranding was alleged for the further reason that the statements, designs, and devices upon the labels attached to each of the bottles were false and misleading, in that said labels purported to state that the article of food was a champagne, whereas, in truth and in fact, the article, to wit, the wine called "Extra Dry Champion," was not a champagne but was an artificially carbonated product, and was an imitation wine or beverage known as champagne.

On October 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal after the removal of all labels appearing thereon, and the placing on each of the bottles, in lieu of the labels so removed, a label bearing the words "Artificially Carbonated Wine" and no other words.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3164. Adulteration and misbranding of wine. U. S. v. 13 Cases of Wine. Default decree of forfeiture, condemnation, and destruction. (F. & D. No. 5305. S. No. 1899.)

On August 15, 1913, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 13 cases, each containing 12 bottles of wine, remaining unsold in the original unbroken packages and in possession of the Rendlen Liquor Co., Hannibal, Mo., alleging that the product had been shipped on or about April 11, 1913, and transported from the State of Ohio into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Scuppernong Bouquet Delaware Scuppernong Blend." (On bottles) "Scuppernong Bouquet Wine—Delaware and Scuppernong Blend ameliorated with sugar solution (Trade-mark registered) The Sweet Valley Wine Co., Sandusky, Ohio." (Neck label) "Serial No. 124 Guaranteed by The Sweet Valley Wine Co. Serial No. 124—Under the Food and Drugs Act June 30, 1906."

Adulteration of the product was alleged in the libel for the reason that it was not Scuppernong wine as said labels state and indicate, but, on the contrary thereof, a substance consisting wholly or in part of a mixture or base of wines which had been sweetened, flavored, and mixed in imitation of Scuppernong wine had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength; and, further, in that a certain substance, consisting wholly or in large part of a mixture or base of wines,

which had been sweetened, flavored, and mixed in imitation of Scuppernong wine, had been substituted wholly or in part for Scuppernong wine. Misbranding was alleged for the reason that said product consisted wholly or in large part of a mixture or base of wines which had been sweetened, flavored, and mixed in imitation of Scuppernong wine, contained practically no Scuppernong wine, and said product was an imitation of and offered for sale under the distinctive name of another article, to wit, Scuppernong wine; and, further, in that the labels on the cases and bottles, to wit, "Scuppernong Bouquet," would deceive and mislead the purchaser thereof into the belief that the product was Scuppernong wine, whereas, in truth and in fact, it was not Scuppernong wine, but was a mixture of other wines; and, further, in that said labels were descriptive of the substance contained in said bottles and cases, and were false and misleading in that said product was not Scuppernong wine.

On December 3, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3165. Adulteration and misbranding of Scuppernong wine. U. S. v. 5 Cases of Alleged Scuppernong Wine. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5309. S. No. 1900.)

On August 15, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 12 bottles of alleged Scuppernong wine, remaining unsold in the original unbroken packages upon the premises of the Bischoff & Czech Co., Chicago, Ill., alleging that the product had been shipped on July 17, 1913, by the Sweet Valley Wine Co., Sandusky, Ohio, and transported from the State of Ohio into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled "Delaware and Scuppernong Blend Ameliorated with Sugar Solution. Scuppernong Bouquet Wine The Sweet Valley Wine Co. Sandusky, O. Guaranteed by The Sweet Valley Wine Co. Serial No. 124, under the Food & Drugs Act, June 30, 1906." The label also contained pictorial representations and other illustrations.

Adulteration of the product was alleged in the libel for the reason that a certain product made in whole or in part from another wine or wines of [or (?)] base wines sweetened and mixed in imitation of Scuppernong wine had been added and mixed with the article of food aforesaid, and had been substituted wholly or in part for the article of food aforesaid so as to reduce, and lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the product was labeled as set forth above, which said statement contained in the label upon each of the bottles deceived and misled the purchaser into the belief that the article of food was Scuppernong bouquet wine, whereas, in truth and in fact, it was not Scuppernong bouquet wine, but contained a product made in whole or in part from other wine or wines of [or (?)] base wines, sweetened and mixed in imitation of Scuppernong wine, which had been substituted wholly or in part for the article of food aforesaid. Misbranding was alleged for the further reason that said statements contained in the label upon each of the bottles were false and misleading, in that said statements represented to the purchaser that the article of food was Scuppernong bouquet wine, whereas, in truth and in fact, it was not Scuppernong bouquet wine, but

contained a product made in whole or in part from other wine or wines of [or (?)] base wines, sweetened and mixed in imitation of Scuppernong wine, which had been substituted in part for the article of food aforesaid.

On October 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal after the removal of the labels thereof and the replacement of said labels with other labels bearing the words "Imitation Wine," and no other words.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3166. Adulteration of vinegar. U. S. v. 30 Half Barrels and 20 Half Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. Nos. 5310, 5311. S. No. 1893.)

On or about August 14, 1913, the United States Attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 30 and 20 half barrels of vinegar, remaining unsold in the original unbroken packages at Meridian, Miss., alleging that the product had been shipped on July 5, 1913, by the Dawson Bros. Mfg. Co., Memphis, Tenn., and transported from the State of Tennessee into the State of Mississippi, and charging adulteration in violation of the Food and Drugs Act. The 30 half barrels were labeled: "Dawson Bros. Mfg. Co. Inc. Royal Crown Brand White and Caramel Colored Distilled Vinegar reduced to legal strength. Memphis, Tenn." The 20 half barrels were labeled: "Dawson Bros. Mfg. Co. Inc. Royal Crown Brand Caramel Colored Distilled Vinegar reduced to legal strength, Memphis, Tenn."

Adulteration of the product was alleged in the libels for the reason that examination of samples of the products showed acetic acid from 3.36 to 3.60 per cent, water having been added in such a way as to reduce the quality and strength of the vinegar and having been substituted in part for it.

On September 11, 1913, the Dawson Bros. Mfg. Co., Memphis, Tenn., claimant, having admitted the allegations in the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of $400, in conformity with section 10 of the act. (Note.—While it was alleged in the libel that the 30 half-barrels of the product were labeled as set forth above, as a matter of fact, 10 of them were labeled: "Dawson Bros. Mfg. Co. Inc. Royal Crown Brand, White Distilled Vinegar Reduced to legal strength. Memphis, Tenn.," and the remainder were labeled in the same manner as the 20 half-barrels referred to in the libel.)

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3167. Adulteration of chicken. U. S. v. 1 Carload of Chicken. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5312. S. No. 1906.)

On August 14, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 88 barrels of chicken packed in 1 car, remaining unsold in the original unbroken packages and in possession of the Aaron Poultry & Egg Co., Chicago, Ill., alleging that the product had been shipped on August 7, 1913, by the Aaron Poultry & Egg Co., Philadelphia, Pa., and transported from the

State of Pennsylvania into the State of Illinois to said Aaron Poultry & Egg Co., and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted wholly and in part of a filthy and decomposed animal substance, and for the further reason that it consisted wholly and in part of a portion of an animal unfit for food.

On October 3, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3168. Adulteration and misbranding of muscatel wine. U. S. v. 1 Barrel of Muscatel Wine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5314. S. No. 1902.)

On August 15, 1913, the United States Attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel of muscatel wine, remaining unsold in the original unbroken package and in the possession of S. Pacifico, Detroit, Mich., alleging that the product had been shipped on August 1, 1913, by A. Textor & Co., Sandusky, Ohio, and transported from the State of Ohio into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On barrel) "A. Textor and Co., Sandusky, Ohio, Muscatel Wine. No. 5425 guaranteed under the Food & Drugs Act of June 30, 1906." (On shipping tag) "S. Pacifico, Riopelle Street, Detroit."

It was alleged in the libel that the product was misbranded in violation of section 8, first general paragraph, and also in violation of paragraph 2 of said section 8 of the Food and Drugs Act, under the classification of "Food," and further that it was adulterated in violation of section 7 of the Food and Drugs Act, under the classification of "Food" in said act, and in violation of paragraphs 1 and 2 of said section 7, an examination of samples of the product by the Bureau of Chemistry of the Department of Agriculture having revealed that said product was imitation muscatel wine and contained alcohol, 18 per cent by volume; solids, 5.1 grams per 100 cc; reducing sugars as invert before inversion, 3.9 grams per 100 cc, after inversion, 3.9 grams per 100 cc; saccharin, 0.01 gram per 100 cc; the analysis showing that there had been added or substituted for muscatel wine a product containing a small amount of sugar, which had been artificially sweetened in imitation of muscatel type of wine; that it contained saccharin that had been substituted wholly or in part for sugar. It was also alleged in the libel that the barrel of wine, by the label contained thereon, was labeled and printed so as to deceive and mislead the purchaser thereof, and said product had been adulterated in that a substitution had been mixed and packed with it so as to reduce and lower and injuriously affect its strength and quality and that a substance had been substituted in part for the article, an analysis disclosing the fact that the product was an imitation of muscatel wine as aforesaid, said misbranding, labeling, and adulterating constituting a violation within the meaning of said act of June 30, 1906.

On October 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3169. Adulteration of granulated chicory. U. S. v. 47 and 3 Barrels of Granulated Chicory. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5315. S. No. 1908.)

On August 15, 1913, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and, on August 16, 1913, a supplemental libel, for the seizure and condemnation of 47 and 3 barrels of granulated chicory, remaining unsold in the original unbroken packages and in possession of the steamship "Raven," New Orleans, La., alleging that the product had been shipped on or about July 20, 1913, by the Heinr, Franck, Sohne Co., Ltd., Flushing, N. Y., and transported from the State of New York into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. Each of the barrels was labeled "H. F." and each barrel bore a serial number and a trade mark on the side composed of the picture of a coffee mill with the word "Franck."

Adulteration of the product was alleged in the libel for the reason that during its transportation from the State of New York to the State of Louisiana and while packed between decks aboard said vessel and in transit the same came in contact with paris green, which is a poisonous substance, and which sifted down the hatch of said vessel and was scattered over and came in contact with the contents of the barrels, and which by reason of said contact contained a poisonous ingredient, injurious to health. It was further alleged in the libel that, by reason of the barrels being subjected to, and the contents thereof coming in contact with, paris green, which is a poisonous substance, the same became adulterated.

On October 3, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 6, 1914.*

3170. Adulteration of flour. U. S. v. 413 Sacks of Flour. Consent decree of condemnation and forfeiture. Released on bond. (F. & D. No. 5319. S. No. 1912.)

On September 3, 1913, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and, on September 4, 1913, an amendment to said libel, for the seizure and condemnation of 300 sacks, each containing 196 pounds of flour, which were afterward repacked into 413 sacks of flour, each containing 140 pounds, remaining unsold in the original unbroken packages and in possession of the Lehigh Valley Railroad Co. at Jersey City, N. J., alleging that the product had been shipped by the Halliday Milling Co., Buffalo, N. Y., on or about May 23, 1913, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The sacks bore no marks or brand except the letter "H." Adulteration of the product was alleged in the amendment to the libel for the reason that it was high in acidity, musty, and consisted wholly or in part of a filthy, putrid, or decomposed vegetable substance.

On December 15, 1913, Gross & Co., New York, N. Y., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants upon payment of the costs of the proceedings and the execution of bond in the sum of $500, in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3171. Adulteration and misbranding of Scuppernong wine. U. S. v. 5 Cases of Scuppernong Wine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5320. S. No. 1915.)

On August 29, 1913, the United States Attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases of so-called Scuppernong wine, remaining unsold in the original unbroken packages and in possession of August J. Stieber, Detroit, Mich., alleging that the product had been shipped on August 6, 1913, and transported from the State of Ohio into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "A. Textor and Co., Sandusky, Ohio. Scuppernong Wine." (On retail packages) "Scuppernong Wine." Each of said labels was also embellished with pictorial representations of bunches of grapes.

It was alleged in the libel that the product was misbranded in violation of section 8, first general paragraph, of the Food and Drugs Act, and also in violation of paragraphs 1 and 2, under the classification of "Food," in said act. It was also alleged that the product was adulterated in violation of section 7 of said act and of paragraphs 1 and 2 under "Food" in said act, an examination of samples of the product by the Bureau of Chemistry of the Department of Agriculture having revealed that the product was not Scuppernong wine but consisted of an imitation wine made in whole or in part by the fermentation of starch sugar which had been mixed and packed with Scuppernong wine in such a manner so as to reduce and lower and injuriously affect its quality and strength. It was also alleged that the 5 cases of the product, by the label contained on said cases, were labeled and printed so as to deceive and mislead the purchaser thereof, and said product was adulterated in that a substitution had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and that a substance had been substituted in part for the article, an analysis of said product disclosing the fact that it was an imitation of Scuppernong wine made in whole or in part from the fermentation of starch sugar which had been mixed and packed with and substituted for Scuppernong wine as aforesaid.

On October 20, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3172. Adulteration and misbranding of oil of lemon. U. S. v. 20 Packages of So-called Oil of Lemon. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5321. S. No. 1916.)

On September 2, 1913, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 packages of so-called oil of lemon, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by the Sethness Co., Chicago, Ill., and transported from the State of Illinois into the Commonwealth of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Standard Quality Oil of Lemon Optical Rotation at 15° Net Weight 25 lbs. Guaranteed under the Food and Drugs Act of June 30, 1906, by Sethness Company, Chicago."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, a mixture of washed lemon oil and citral, had been mixed

and packed with said food so as to reduce, lower, and injuriously affect its quality and strength; and, further, for the reason that a substance, to wit, a mixture of washed lemon oil and citral, had been substituted in part for said food. Misbranding was alleged for the reason that the package and label of the product bore a certain statement, design, and device regarding said food and the ingredients and substances contained therein which was false and misleading, that is to say, the words "Standard Quality Oil of Lemon" which appeared thereon, because said words would lead a purchaser to believe that said food was oil of lemon, whereas, in truth and in fact, it was not.

On October 17, 1913, the case having come on for a hearing, and the said Sethness Co., claimant, not objecting thereto, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be released and delivered to said claimant upon payment of the costs of the proceedings, which amounted to $36.74, and the execution of bond in the sum of $2,000, in conformity with the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3173. Adulteration of ice cream cones. U. S. v. 34 Boxes of Ice Cream Cones. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5322. S. No. 1917.)

On August 30, 1913, the United States Attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 34 boxes of ice cream cones, each purporting to contain 96 cones, remaining unsold in the original unbroken packages and in possession of the Clover Leaf Creamery, Boulder, Colo., alleging that the product had been shipped on or about May 31, 1913, and transported from the State of Massachusetts into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Miner's Ice Cream Cones are made from pure materials in a clean, sanitary, daylight factory and are always fresh and crisp and 'Fit to Eat.' Be sure to specify Miner's 'Fit to Eat' Cones. The Guaranteed kind. See that every box bears our trade mark shield. Colored with Harmless Legal Coloring." "Miner's 'Fit to Eat' Brand Ice Cream Cones. These cones are made in a clean, daylight factory, and are pure and wholesome, and 'Fit to Eat'" (Trade mark shield bearing pictorial devices and the words "Purity and Strength.") "Miner's Fruit Nectar Co. Guaranteed by Miner's Fruit Nectar Co. Under The National Pure Food Law Enacted June 30, 1906. Serial No. 1836. Miner's Fruit Nectar Co. 134 Fulton St., Boston, Mass. Makers of natural Fruit Flavors and Specialties. Miner's Cream Puff for Improving Ice Cream."

Adulteration of the product was alleged in the libel for the reason that each of the cones contained an injurious ingredient known as saccharin, which had been substituted for sugar, thus injuriously affecting the quality and strength of the article, and rendering the cones injurious to health. Adulteration was alleged for the further reason that a deleterious ingredient known as saccharin had been added to the ingredients from which said cones had been made and thereby the quality of the cones had been reduced and lowered and rendered injurious to health.

On October 4, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3174. Adulteration and misbranding of condensed milk. U. S. v. 2 Barrels of Condensed Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5323. S. No. 1918.)

On September 2, 1913, the United States Attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels of a product purporting to be condensed milk, remaining unsold in the original unbroken packages and in possession of the Crown Chocolate Co., McKeesport, Pa., alleging that the product had been shipped by the C. H. Kleinbeck Co., Geneva, Ill., and transported from the State of Illinois into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "R star" (Statement of gross and net weights). (Shipping tags being labeled) "From C. H. Kleinbeck Co., Geneva, Illinois, To Crown Chocolate Co., McKeesport, Pa., 132 – 5th Ave."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, a product purporting to be condensed milk, and which was invoiced and shipped as condensed milk, consisted of sweetened condensed skimmed milk from which a portion of the butter fat had been removed. Misbranding of the product was alleged for the reason that it was invoiced and offered for sale under the distinctive name of condensed milk, which is whole milk with part of the water removed, whereas, in fact, it consisted of sweetened condensed skimmed milk from which a portion of the butter fat had been removed.

On January 19, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3175. Adulteration of dried egg material. U. S. v. 1 Drum of Dried Egg Material. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5324. S. No. 1929.)

On September 19, 1913, the United States Attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 drum, purporting and representing to contain dried egg material, remaining unsold in the original unbroken package and in possession of the Famous Biscuit Co., Pittsburgh, Pa., alleging that the product had been shipped by the Purity Food & Storage Co., Chicago, Ill., and transported from the State of Illinois into the State of Pennsylvania, arriving about August 22, 1913, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Ground Famous Biscuit Co., Pittsburgh, Pa." Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of filthy, decomposed, or putrid animal substance.

On November 25, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3176. Misbranding of tomato paste. U. S. v. 2 Cases of Tomato Paste. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5326. S. No. 1920.)

On September 4, 1913, the United States Attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District

Court of the United States for said district a libel for the seizure and condemnation of 2 cases, each containing 100 tins of tomato paste, remaining unsold in the original unbroken packages and in possession of Carbon Bros., St. Paul, Minn., alleging that the product had been shipped by George Ehrat & Co., Chicago, Ill., on or about May 6, 1913, and transported from the State of Illinois into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Conserva Di Tomate—Packed by our special process (Cut of large ripe tomato). Rossa—Guaranteed by American Conserve Co. under the Food and Drugs Act, June 30, 1906—Serial No. 9270—Contains 1/10 of 1% Benzoate of Soda and 15% salt—Trade Mark (Device of girl in foreign costume) Marka Registrata—This can contains 15 oz. net weight Tomato Conserve—Highest award, etc. (Device of American and Italian flags crossed)—American Conserve Co., New York—Directions * * *."

Misbranding of the product was alleged in the libel for the reason that the retail packages were labeled and branded in such a manner as to represent that each of said retail packages or tins contained 15 ounces net weight of the product, whereas, in truth and in fact, each of said retail packages contained a much less quantity, to wit, 1.1 ounces less than the amount set forth in said label and brand, and said packages were so labeled and branded so as to deceive and mislead the purchaser thereof.

On December 5, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3177. Adulteration and misbranding of vinegar. U. S. v. 5 Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5327. S. No. 1919.)

On September 5, 1913, the United States Attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 barrels, purporting to contain pure cider vinegar, remaining unsold in the original unbroken packages and in possession of Hauser Bros. & Co., Stoneboro, Pa., alleging that the product had been shipped on or about July 31, 1913, by the H. C. Christy Co., Cleveland, O., and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were labeled: (On one end) "The H. C. Christy Co. Pure Cider Vinegar Lakewood Cleveland, Ohio." (On the other end) "Sugrue and Sons 48 Hauser Bros and Co. Stoneboro, Pa."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of distilled vinegar which was artificially colored and which had been mixed and packed with and substituted for cider vinegar in such manner as to reduce or lower or injuriously affect its quality or strength. Misbranding of the product was alleged for the reason that it was offered for sale under the distinctive name of pure cider vinegar, whereas, in fact, it was not pure cider vinegar, but consisted in whole or in part of artificially colored distilled vinegar.

On January 19, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3178. Adulteration of beans. U. S. v. 275 Sacks of Beans. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5329. S. No. 1924.)

On September 13, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 275 sacks, each containing approximately 165 pounds of beans, remaining unsold in the original unbroken packages and in the possession of the Cincinnati, Hamilton & Dayton Railway Co., at Hamilton, Ohio, as bailee for J. P. Burroughs & Son, Flint, Mich., alleging that the product had been transported from the State of Michigan into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The product bore no label.

Adulteration of the product was alleged in the libel for the reason that it contained and consisted of a filthy and decomposed vegetable substance.

On December 2, 1913, the case having come on for hearing upon the libel and upon the claim and answer by claimants, trading under the firm name of J. P. Burroughs & Son, and said claimants by their answer having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal. It was provided, however, that the product should be released and restored to said claimants upon payment of the costs of the proceeding and the execution of bond by them in the sum of $1,000, in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3179. Adulteration of rye flour. U. S. v. 95 Sacks of Rye Flour. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5330. S. No. 1931.)

On September 18, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 95 sacks of rye flour, remaining unsold in the original unbroken packages and in possession of the New York, Ontario & Western Railroad, New York, N. Y., alleging that the product had been shipped on or about September 12, 1913, by H. Hicks, Pleasant Valley, N. Y., and transported from the State of New York through the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act. Some of the sacks bore no labels and some of them were stenciled: "Unsound New York Prod. Exch. Inspection Sept. 1913."

Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy, decomposed vegetable substance, to wit, weevils, and musty and moldy lumps, contrary to the provisions of section 7, subdivision 6, under "Food," of said Food and Drugs Act.

On October 6, 1913, W. L. Sweet & Co., New York, N. Y., claimant, having filed its claim and stipulation for costs and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of $300, in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3180. Misbranding of bitters. U. S. v. 5 Cases of Ferro China Bitters and 5 Cases of Fernet Milano Bitters. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5331. S. No. 1933.)

On September 22, 1913, the United States Attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 12 bottles of Ferro China bitters, and 5 cases, each containing 12 bottles of Fernet Milano bitters, remaining unsold in the original unbroken packages and in possession of the Columbia Wine & Liquor Co., Wilkes-Barre, Pa., alleging that the product had been shipped on or about September 5, 1913, from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The Ferro China was labeled "Ferro-China-Bitters Liquore Tonico—Iron Bitters. This liquor is a compound of Iron-China and other herbs, benefiting those suffering from dyspepsia, lack of appetite, etc., and is recommended by medical celebrities. Net contents 28 ounces. Guaranteed by the General Importing Co., N. Y. Under Pure Food and Drugs Act, June 30, 1906. Serial N." "Anti Malarico." (Neck label) "Ferro China Bitters—Anti Malarico." In addition, the principal label also bore inscriptions in Italian concerning medicinal properties.

The Fernet Milano was labeled "Fernet Milano—Net Contents 29 Ounces Guaranteed by the General Importing Co., N. Y. Under Pure Food and Drugs Act, June 30, 1906, Serial N." In addition the principal label bore inscriptions in Italian to the effect that the article was a vermifuge, febrifuge, and remedy for seasickness.

Misbranding of the products was alleged in the libel for the reason that each bottle and retail package was labeled as set forth above, thereby indicating, declaring and publishing, and intending thereby to publish and declare, that the contents of each bottle was genuine Fernet Milano and Ferro China bitters of Italian manufacture, whereas, in truth and in fact, the contents of each bottle was not such genuine Italian bitters but consisted in whole or in part of domestic spirits and flavorings compounded in the city of New York, State of New York, in the United States of America, and further that the labels upon each bottle and retail package of the bitters hereinbefore mentioned, to wit, Ferro China bitters and Fernet Milano bitters, declared these products to have medicinal value and as such were indicated on said labels for the prevention, mitigation, or cure of certain ailments of man, whereas the percentage of alcohol present in the Ferro China bitters and Fernet Milano bitters aforesaid was not declared on the packages as required by said act of Congress; therefore, these products were misbranded in violation of the first general paragraph of section 8, "Food and Drugs," and paragraph 2 under "Food," and paragraph 2 under "Drugs," of the act of Congress aforesaid.

On November 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3181. Adulteration of flour. U. S. v. 350 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5334. S. No. 1936.)

On September 22, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States, for said district a libel for the seizure and

condemnation of 350 sacks of flour, remaining unsold in the original unbroken packages and in possession of the Baltimore & Ohio Railroad Co., New York, N. Y., alleging that the product had been shipped on or about July 5, 1913, by the Hardesty Milling Co., Canal Dover, Ohio, and transported from the State of Ohio into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product bore no label, but some of the sacks or containers were stenciled "Sound, N. Y. Prod. Exch. 'Inspection July 1913.'"

Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy and decomposed vegetable substance, to wit, worms and weevils, contrary to the provisions of section 7, subdivision 6, under "Food," of said Food and Drugs Act.

On November 5, 1913, a claim and stipulation for costs having been filed by Thomas R. Van Boskerck, New York, N. Y., and said claimant having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimant upon payment of all costs of the proceedings and the execution of bond in the sum of $700, in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3182. Adulteration and misbranding of beer. U. S. v. 75 Cases of Beer. Plea of guilty. Goods released on bond. (F. & D. No. 5336. S. No. 1938.)

On September 26, 1913, the United States Attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 cases, each containing 24 24-ounce bottles of beer, remaining unsold in the original unbroken packages and in possession of James B. Foley, Des Moines, Iowa, alleging that the product had been shipped on or about September 13, 1913, by the Jacob Schmidt Brewing Co., St. Paul, Minn., and transported from the State of Minnesota into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Schmidt, St. Paul, 2 dozen, 24 oz. bottles Schmidt Brg. Co. St. Paul, Minn." (On bottles) "Guaranteed by Jacob Schmidt Brg. Co. under the Food and Drugs Act, June 30, 1906, N. D. Serial No. 33, Also under the Pure Food Laws of all the States. $1000 Reward. Schmidt, St. Paul, Natural Process Export Beer, the Brewery's Own Bottling Jacob Schmidt Brewing Co., St. Paul, Minn." (Neck label) "Brewed from the Choicest Malt and Hops, Warranted Strictly Pure A Perfect Family Tonic. Schmidt, St. Paul. Contents of bottle 24 oz." (On back of bottles) "Schmidt Brg. Co."

Adulteration of the product was alleged in the libel for the reason that it contained a large percentage of a product of distillation of some cereal, either rice or corn, which distillate reduced the amount of malt contained therein and rendered the product of an inferior quality. Misbranding was alleged for the reason that the cases and bottles did not contain the pure product of malt and hops, but, in truth and in fact, they did contain a product consisting in whole or in part of a distillation of a cereal product other than malt. Misbranding was alleged for the further reason that the branding of the cases and bottles as containing a pure product of malt and hops was such as to mislead and deceive the purchaser, and to enable the offering of the contents for sale as being a pure product of malt and hops, when, in truth and in fact, the same was not such as was offered for sale and was an unlawful misbranding within the meaning of the statute aforesaid.

On December 8, 1913, the said Jacob Schmidt Brewing Co., St. Paul, Minn., having filed its answer admitting the charge of misbranding but denying the

charge of adulteration, it was ordered by the court that the product should be released to said claimant company upon payment of the costs of the proceedings and the execution of bond in conformity with section 10 of the act.

When this case was reported for action, no claim was made by this department that the article contained "a product of distillation of some cereal" or a product "of a distillation of a cereal product," but it was claimed that the article contained some cereal or cereal product other than malt, which had been substituted in part for malt.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*

3183. Adulteration and misbranding of corn chops. U. S. v. 300 Sacks of Corn Chops. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5337. S. No. 1945.)

On September 27, 1913, the United States Attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 sacks, more or less, each containing 100 pounds of so-called corn chops, remaining unsold in the original unbroken packages and in possession of the N. Sauer Milling Co., Cherryvale, Kans., alleging that the product had been shipped on or about September 5, 1913, by the Henry Lichtig Grain Co., Kansas City, Mo., and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was not branded.

Adulteration of the product was alleged in the information for the reason that each of the sacks contained 1 per cent of sand. Misbranding was alleged for the reason that no tags or labels of any kind or character were attached to any of said sacks, showing the true nature and composition of the corn chops, and that the absence of such tags or labels was misleading and false and calculated to induce the purchaser to believe that the so-called corn chops were pure and unadulterated.

On November 11, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal, and that all costs not recoverable by such sale be adjudged against the N. Sauer Milling Co., Cherryvale, Kans.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*

3184. Misbranding of vinegar. U. S. v. 83 Barrels of Vinegar. Product released on bond. (F. & D. No. 5338. S. No. 1926.)

On October 6, 1913, the United States Attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, a libel for the seizure and condemnation of 83 barrels of vinegar remaining unsold in the original unbroken packages and in possession of the Security Storage and Commission Co., Salt Lake City, Utah, alleging that the product had been shipped on or about July 18, 1913, by The Latimer Cider & Vinegar Co., Grand Junction, Colo., and transported in interstate commerce from the State of Colorado into the State of Utah, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "The Latimer Cider & Vinegar Co., L. 47 pure cider vinegar 4½ per cent vinegar fermented, Grand Junction, Colorado," and each of the barrels was also marked to indicate the quantity in gallons of vinegar present therein.

Misbranding of the product was alleged in the libel for the reason that each of the barrels, instead of containing the number of gallons of vinegar specified in said marks and labels upon each of said barrels, in truth and in fact, contained a materially less number of gallons of vinegar than the number of gallons so specified in said marks and labels, and that none of such barrels of vinegar contained the number of gallons of vinegar which said marks and labels announced each of said barrels to contain.

On October 13, 1913, the case having come on to be heard upon the application of The Latimer Cider & Vinegar Co., seeking the release of the product, and it appearing to the satisfaction of the court that all the costs of the proceeding, amounting to $19.60, had been paid by said company, the owner of the product, and that said company had executed a good and sufficient bond in the sum of $300, in conformity with section 10 of the act, it was ordered by the court that the product be delivered to said company.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3185. Adulteration and misbranding of corn chops. U. S. v. 300 Sacks of Corn Chops. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5339. S. No. 1947.)

On October 3, 1913, the United States Attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 sacks, each containing 100 pounds of so-called corn chops, remaining unsold in the original unbroken packages and in possession of McKinney and Barkley, Howard, Kans., alleging that the product had been shipped on or about September 6, 1913, by R. J. House and Co., Kansas City, Mo., and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was not branded.

Adulteration of the product was alleged in the libel for the reason that each of the sacks contained 0.36 per cent sand. Misbranding was alleged for the reason that no tags or labels of any kind or character were attached to any or either of said sacks showing the true nature and composition of the corn chops, and that the absence of such tags or labels was misleading and false and calculated to induce the purchaser to believe that the said so-called corn chops contained in the sacks were pure and unadulterated.

On November 11, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal, and that all costs not recovered by such sales be adjudged against said McKinney and Barkley, Howard, Kans.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3186. Misbranding of cheese. U. S. v. 50 Cheeses. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5341. S. No. 1948.)

On October 3, 1913, the United States Attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cheeses remaining unsold in the original unbroken packages and in possession of the Yost Produce Co., Pittsburgh, Pa., alleging that the product had been shipped by the Stacey Cheese Co., Little Falls, N. Y., and transported from the State of New York into the State of Pennsylvania,

and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On containers) "Clover Valley Factory, Little Falls, Herkimer Co. N. Y. Yost Produce Co., Pittsburg." (On individual cheeses) "Light Skim." There was also on each container a penciled figure indicating the net weight of the cheese contained therein.

Misbranding of the product was alleged in the libel for the reason that the declaration of net weight of the containers was false and misleading, the actual net weight being less than the marked weight.

On October 9, 1913, the said Stacey Cheese Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of $200, in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3187. Adulteration and misbranding of vinegar. U. S. v. 5 Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5342. S. No. 1949.)

On October 2, 1913, the United States Attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 barrels of vinegar, remaining unsold in the original unbroken packages and in possession of H. W. Schleutker & Co., Covington, Ky., alleging that the product had been shipped by the Ohio Cider Vinegar Co., Cincinnati, Ohio, and transported from the State of Ohio into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were branded: (On one head) "The Ohio Cider Vinegar Co., Cincinnati fermented apple vinegar—Apple Product." (On the other head) "Fermented Apple Juice from Apple Waste—Compounded with distilled vinegar—Water added in fermentation to legal standard, Aug. 1, 1913."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a colored distilled vinegar which had been mixed and packed with and substituted for vinegar in such quantity as was injurious and unfit for human use and consumption. Misbranding was alleged for the reason that the labels set forth above purported and represented that the vinegar was an apple vinegar, when, in truth and in fact, it was not apple vinegar, and said brands so purporting and representing the product were false and misleading, the same consisting of a colored distilled vinegar which had been mixed and packed with and substituted for apple vinegar.

On December 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal. When this case was reported for action, no claim was made that distilled vinegar was present in the product "in such quantity as was injurious and unfit for human use and consumption."

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3188. Misbranding of blackberry cordial. U. S. v. 5 10-Gallon Kegs and 1 5-Gallon Keg of Blackberry Cordial. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5343. S. No. 1950.)

On October 3, 1913, the United States Attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court

of the United States for said district a libel for the seizure and condemnation of 5 10-gallon kegs and 1 5-gallon keg of a product purporting to be blackberry cordial, remaining unsold in the original unbroken packages and in possession of L. D. Koretz & Co., Pueblo, Colo., alleging that the product had been transported from the State of Minnesota into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (One end of kegs) "Distributed by A. Hirschman & Co. Vesta Brand Blackberry Cordial Artificially Flavored & Colored Contains Anhydrous Sugar And Less than 1/10 of 1% Benzoate of Soda. St. Paul, Minn." (Other end of kegs) "Contains no Poisonous Drugs or Other Added Poison. Liebenthal Bros. & Co. Liquor Dealers Cleveland, O."

Misbranding of the product was alleged in the libel for the reason that the contents of the kegs was an imitation of and was offered for sale under the distinctive name of another article, namely blackberry cordial, and for the further reason that said food product was labeled and branded so as to deceive and mislead the purchaser.

On January 20, 1914, Liebenthal Bros. & Co., Cleveland, O., having consented thereto, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be released to said claimants upon payment of the costs of the proceedings and the execution of bond in the sum of $100, in conformity with section 10 of the act. One of the conditions of the bond was that the product should be labeled, "Imitation Blackberry Cordial Compound, contains glucose, artificial color and flavor, and not more than 1/10 of 1% benzoate of soda," and that the label should also state the name and address of the manufacturer of the goods.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3189. Adulteration of desiccated eggs. U. S. v. 3 Barrels of Desiccated Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5344. S. No. 1952.)

On October 6, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels, each containing approximately 200 pounds of desiccated eggs, remaining unsold in the original unbroken packages and in possession of the Cincinnati, Hamilton & Dayton Railway Co. at its freight house, Cincinnati, O., as bailee of the Consolidated Egg Co., Cincinnati, O., consignee, alleging that the product had been transported in interstate commerce from the State of Texas into the State of Ohio and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Rush—Consolidated Egg Co.—Cincinnati, Ohio—Notify E. W. Habermaas, Cincinnati, Ohio. Keep cool—Dry—Head up—Perishable—200 lbs.—91146—9—Frisco—St. Louis—13."

Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy, decomposed, and putrid animal substance.

On November 17, 1913, no claimant having appeared for the product, an order pro confesso was entered.

On January 10, 1914, final judgment of condemnation and forfeiture was entered upon motion of the United States attorney and upon the testimony of witnesses offered ex parte on behalf of the libelant, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3190. Adulteration of dried haddock. U. S. v. 6 Drums of Dried Haddock. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 5345. S. No. 1953.)

On October 14, 1913, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 drums, each containing 100 dried haddock, remaining unsold in the original unbroken packages and in possession of Kurtz Bros., Philadelphia, Pa., alleging that the product had been shipped on or about September 29, 1913, by Jacob Kurtz, Newark, N. J., and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "Kurtz Brothers, Philadelphia, Pa., Haddock, Size 100, Hard dried haddock." (On shipping tags) "From Jacob Kurtz Wholesale Dealer in Groceries and Liquors 209–212–216 Bruce Street Newark, N. J. Kurtz Bros., Phila., Pa."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On October 15, 1913, Max Kurtz, of the firm of Kurtz Bros., having consented thereto, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3191. Adulteration of desiccated eggs. U. S. v. 14 Packages of Desiccated Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5346. S. No. 1954.)

On October 11, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 14 packages of desiccated eggs, 8 of the packages being wooden pails, each containing approximately 25 pounds of the product, 4 of the packages being wooden kegs, each containing approximately 50 pounds of the product, and 2 packages being barrels, each containing approximately 200 pounds of the product, remaining unsold in the original unbroken packages and in possession of the Cincinnati, Hamilton & Dayton Railway Co. at its freight house, Cincinnati, O., alleging that the product had been shipped from the State of Texas into the State of Ohio and charging adulteration in violation of the Food and Drugs Act. The pails were labeled: "Rush—C. E. Barnhill, Cincinnati, Ohio, Notify Prof. Habermaas, Cincinnati, Ohio—Keep cool and dry 25 lbs. 30361—9 Frisco—St. Louis—2—11714—C H & D—Cincinnati—9—18—27695—7—22—3." The wooden kegs were labeled exactly as the wooden pails, with the exception that the quantity contained therein was stated as "50 lbs.," instead of "25 lbs." The barrels were labeled: "Rush—The Consolidated Egg Co., Cincinnati, Ohio, notify E. W. Habermaas Cincinnati, Ohio—Keep Cool and Dry Head up—200 Lbs.—121054—9—Frisco—St. Louis—15 32584—C. H & D Cincinnati—6—30." Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy, decomposed, and putrid animal substance.

On November 17, 1913, no claimant having appeared for the product, an order pro confesso was entered. On January 10, 1914, final judgment of condemnation and forfeiture was entered upon motion of the United States Attorney and upon the testimony of witnesses offered ex parte on behalf of the libel-

ant, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3192. Adulteration and misbranding of vinegar. U. S. v. 15 Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 5347, 5348. S. No. 1955.)

On October 11, 1913, the United States Attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 barrels of vinegar remaining unsold in the original unbroken packages, 5 of the barrels being in possession of H. Schmidt & Sons, and 10 of the barrels in possession of H. W. Schleutker & Co., both of Covington, Ky., alleging that the product had been shipped on August 6 and September 24, 1913, by the Ohio Cider Vinegar Co., Cincinnati, Ohio, and transported from the State of Ohio into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act. Five of the barrels were labeled: (On one head) "The Ohio Cider Vinegar Co., Cincinnati, Ohio, White Vinegar 40 gr." (On other end) "Reduced to legal standard with water July 1st., 1913, 45."

It was alleged in the libel that said brands were false and misleading, in that the food products contained in the barrels consisted in part of acetic acid which had been substituted in part for vinegar, and each of the barrels of vinegar was adulterated in violation of section 7 of the Food and Drugs Act, in that in said food products contained in the barrels purporting to be white vinegar acetic acid had been mixed and packed with and substituted for distilled vinegar in such a manner as to reduce, lower, and injuriously affect its quality and strength, and each and all of said barrels were misbranded and adulterated in violation of said Food and Drugs Act.

Five of the barrels were labeled: (On one end) "The Ohio Vinegar Co., Cincinnati, Ohio, White Vinegar 40 gr." (On other end) "Reduced to legal standard with water, 52 Aug. 1, 1913." Five of the barrels were labeled: (On one end) "The Ohio Cider Vinegar Company, Colored Vinegar 40 gr." (On the other end) "46 reduced to legal standard with water, Aug. 1, 1913."

It was alleged in the libel that said labels purported and represented that said vinegar was a white vinegar and colored vinegar, when, in truth and in fact, each of said barrels of vinegar consisted in part of acetic acid which had been substituted for vinegar and which had been mixed and packed with and substituted for white distilled vinegar and colored distilled vinegar, and thereby each of said barrels was misbranded in violation of the Food and Drugs Act of June 30, 1906. It was also alleged in the libel that the product consisted in part of acetic acid which had been substituted for and mixed with distilled vinegar and thereby lowered and injuriously affected its quality and strength; that said acetic acid, as so mixed and packed with said vinegar, had rendered the same injurious and unfit for human consumption, and said product contained in the barrels was adulterated thereby, in violation of the Food and Drugs Act of June 30, 1906.

On December 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal. When this case was reported for action, no claim was made that the acetic acid in the product had "rendered the same injurious and unfit for human consumption."

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3193. Adulteration and misbranding of wine. U. S. v. 67 Barrels of So-Called Wine. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5349. S. No. 1957.)

On October 13, 1913, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 67 barrels of so-called wine remaining unsold in the original unbroken packages and on the wharfs of the Southern Pacific Co., New Orleans, La., alleging that the product had been shipped on September 20 and 27, and October 1, 1913, by the Two Brothers Wine and Liquor Co., Newark, N. J., and transported from the State of New Jersey into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Jack Johnson made wine preserved with one tenth of one per cent of sodium benzoate to Nola Trading Company, New Orleans, Louisiana."

Adulteration of the product was alleged in the libel for the reason that it contained certain substances which had been mixed with it so as to reduce, lower, and injuriously affect its quality and strength, and, further, in that it was colored and mixed with certain artificial coloring matter in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that the product was labeled "Wine," when, in fact, it consisted of imitation wine artificially colored, and that in this manner said label was false and misleading in regard to the ingredients of the article contained in the barrels upon which said label appeared; and said article was further misbranded in that it was an imitation of and offered for sale under the distinctive name of another article, to wit, wine. Misbranding was alleged for the further reason that the product was labeled and branded wine so as to deceive and mislead the purchaser into the belief that it was wine, when, in truth and in fact, it was not wine but was an imitation wine, artificially colored.

On November 24, 1913, the said Two Brothers Wine and Liquor Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal. It was provided, however, that the product should be released to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of $1,100, in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3194. Adulteration of desiccated eggs. U. S. v. 3 Barrels of Desiccated Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5351. S. No. 1959.)

On October 16, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels, each containing approximately 200 pounds of desiccated eggs, remaining unsold in the original unbroken packages and in possession of the Cincinnati, Hamilton & Dayton Railway Co. at its freight house, Cincinnati, Ohio, as a bailee to the Consolidated Egg Co., Cincinnati, Ohio, consignee, alleging that the product had been shipped from the State of Texas into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Rush—The Consolidated Egg Company, Cincinnati Ohio. Notify E. W. Habermaas, Cincinnati, Ohio. Keep Dry and Cool—Head up—200 Lbs. 15898. C. H. &. D. Cinti. 10–2, 63431, 9—Frisco—St. Louis—24."

Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy, decomposed, and putrid animal substance.

On November 17, 1913, no claimant having appeared for the product, an order pro confesso was entered. On January 10, 1914, final judgment of condemnation and forfeiture was entered upon motion of the United States attorney and upon the testimony of witnesses offered ex parte on behalf of the libelant, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*

3195. Adulteration of tomato pulp. U. S. v. 1150 Cans of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5352. S. No. 1960.)

On October 16, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,150 cans, each containing approximately 5 gallons of tomato pulp, remaining unsold in the original unbroken packages and in possession of the W. M. Spencer Sons Co., Cincinnati, Ohio, alleging that the product had been transported in interstate commerce from the State of Kentucky into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The product bore no label. Adulteration of the product was alleged in the libel for the reason that it contained and consisted of a filthy, putrid, and decomposed vegetable substance.

On November 17, 1913, no claimant having appeared for the property, although the Frankfort Canning Co., Frankfort, Ky., the packer and shipper, and said W. M. Spencer Sons Co. had due legal and actual notice of the proceedings, an order pro confesso was entered.

On January 10, 1914, the case having come on for final hearing, upon motion of the United States attorney for judgment and upon the testimony of witnesses offered ex parte on behalf of the libelant to sustain the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*

3196. Adulteration of catsup. U. S. v. 1 Barrel of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5359. S. No. 1963.)

On October 18, 1913, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel of catsup, remaining unsold in the original unbroken package at New Orleans, La., alleging that the product had been shipped on or about October 8, 1913, by the National Pickle and Canning Co., St. Louis, Mo., and transported from the State of Missouri into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. It was alleged in the libel that the product constituted an article of food within the meaning and intent of the act of Congress of June 30, 1906, and that the same was in a state of decomposition, filthy, and a putrid, decomposed vegetable substance, and was adulterated within the meaning and intent of that act and especially of paragraph 6 of section 7 thereof, and was subject to seizure, condemnation, and destruction.

On November 25, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3197. Adulteration of chestnuts. U. S. v. 3 Bags of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5366. S. No. 1974.)

On October 27, 1913, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia a libel for the seizure and condemnation of 3 bags of chestnuts, remaining unsold in the original unbroken packages and in possession of James W. Beasley, Washington, D. C., alleging that the product had been transported from the State of Virginia into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal or vegetable substance, for which reasons the chestnuts were absolutely unfit for human consumption.

On November 17, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3198. Adulteration of chestnuts. U. S. v. 5 Bags of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5367. S. No. 1973.)

On October 27, 1913, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia a libel for the seizure and condemnation of 5 bags of chestnuts, remaining unsold in the original unbroken packages and in possession of David W. Ballinger, Washington, D. C., alleging that the product had been transported from the State of North Carolina into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal or vegetable substance, for which reasons the chestnuts were absolutely unfit for human consumption.

On November 17, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3199. Adulteration of peaches. U. S. v. 114 Cases of Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5368. S. No. 1966.)

On October 23, 1913, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 cases, each containing 1 dozen No. 10 cans of peaches, remaining unsold in the original unbroken packages at New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. Two hundred

of the cases and the cans therein were labeled: "Chelan Brand yellow free peaches—Standards—packed in water—empty contents as soon as opened—Contents 6 lb. 4 oz. packed by Wenatchee Ice Cold Storage and Canning Co., Wenatchee, Wash." The other 200 cases and cans were labeled: "Columbia River Brand peeled peaches—contents—6 lb. 4 oz. packed in water, empty contents as soon as opened, packed by Wenatchee Ice Cold Storage and Canning Co., Wenatchee, Wash."

It was alleged in the libel that when the cases arrived at their destination the same were found to be in a state of fermentation and a number of the cans in a bursting, leaking, and swollen condition, and that on examination made by the inspector of the Department of Agriculture, 117 cases of said peaches and the cans in said cases were found to be unfit for food, and, being a decomposed vegetable substance, the same were adulterated and subject to condemnation and destruction under the terms and within the meaning and intent of the act of Congress approved June 30, 1906, known as the Food and Drugs Act and especially within the meaning of paragraph 6 of section 7 thereof.

On November 25, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the 114 cases of the product which had been seized should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3200. Adulteration and misbranding of oil of birch. U. S. v. 2 Packages of Oil of Birch. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5370. S. No. 1970.)

On October 25, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 packages, containing approximately 118 pounds of a product purporting to be oil of birch, remaining unsold in the original unbroken packages and in possession of J. H. Bowne, New York, N. Y., alleging that the product had been shipped on or about October 10, 1913, by Holman Bros., Crandall, Tenn., or Mountain City, Tenn., and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product bore no marks or labels except the name and address of the consignee and express data, but was invoiced as birch oil.

Adulteration of the product was alleged in the libel for the reason that it was offered for sale as oil of birch, when, in fact, it consisted largely of methyl salicylate, which was substituted for the pure oil. Misbranding was alleged for the reason that the product was offered for sale and invoiced by the shipper as birch oil, whereas, in truth and in fact, it consisted largely of methyl salicylate, which was substituted for the pure oil.

On January 6, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

INDEX TO NOTICES OF JUDGMENT 3001 TO 3200.[1]

[1] For index to Notices of Judgment 1–1000, see Notice of Judgment 1000; 1001–2000, see Notice of Judgment 2000; 2001–3000, see S. R. A., Chem. 4, Suppl.; future indexes to be supplementary thereto.

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3201. Adulteration of wintergreen leaf oil. U. S. v. 1 Package of Alleged Wintergreen Leaf Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5371. S. No. 1967.)

On October 25, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 package of alleged wintergreen leaf oil, remaining unsold in the original unbroken package upon the premises of the Fuller & Fuller Co., Chicago, Ill., alleging that the product had been shipped by M. G. Teaster, Roan Mountain, Tenn., on October 8, 1913, and transported from the State of Tennessee into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The product bore no label.

Adulteration of the product was alleged in the libel for the reason that a certain substance known as methyl salicylate had been mixed and packed with it so as to reduce, and lower, and injuriously affect the quality and strength of the article, and for the further reason that a certain substance known as methyl salicylate had been substituted in part for the article. Adulteration was alleged for the further reason that a certain substance known as methyl salicylate had been substituted wholly for the article of food aforesaid.

On January 15, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3202. Adulteration and misbranding of oil of wintergreen and oil of sweet birch. U. S. v. 4 Packages of Oil of Wintergreen and Oil of Sweet Birch. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5372. S. No. 1969.)

On October 27, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 packages, containing 150 pounds, more or less, of a product purporting to be oil of wintergreen and oil of sweet birch, remaining unsold in the original unbroken packages and in possession of Magnus, Mabee and Reynard, New York, N. Y., alleging that the product had been shipped on or about October 11, 1913, by R. H. Clawson, Cranberry, N. C., and transported from the State of North Carolina into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product bore no marks, brands, or labels other than shipping tag bearing the name and address of the consignee.

Adulteration of the product was alleged in the libel for the reason that it had mixed and packed with it, and substituted in part for it, a certain substance, to wit, methyl salicylate, in such manner as to reduce, and lower, and

injuriously affect the quality and strength of said product. Misbranding was alleged for the reason that the product was an imitation of and was offered for sale under the distinctive name of another article, to wit, methyl salicylate, in imitation of and for sale under the distinctive name of oil of wintergreen and oil of sweet birch.

On January 6, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3203. Adulteration and misbranding of oil of birch. U. S. v. 2 Packages of Oil of Birch. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5373. S. No. 1971.)

On October 27, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 packages containing 117 pounds of a product purporting to be oil of birch, remaining unsold in the original unbroken packages and in possession of Antione Chiris Co., New York, N. Y., alleging that the product had been shipped on or about September 25, 1913, by Trivett and Ray, Beech Creek, N. C., and transported from the State of North Carolina into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product bore no marks, brands, or labels.

Adulteration of the product was alleged in the libel for the reason that it had mixed and packed with it, and substituted in part for it, a certain substance, to wit, methyl salicylate, in such manner as to reduce, and lower, and injuriously affect the quality and strength of said product. Misbranding was alleged for the reason that the product was an imitation of and offered for sale under the distinctive name of another article, to wit, methyl salicylate, in imitation of and offered for sale under the distinctive name of birch oil.

On January 6, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3204. Adulteration and misbranding of oil of birch. U. S. v. 1 Package of Oil of Birch. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5374. S. No. 1972.)

On October 27, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 package, containing 76 pounds of a product purporting to be oil of birch, remaining unsold in the original unbroken package and in possession of H. Cohen, New York, N. Y., alleging that the product had been shipped on or about October 3, 1913, by J. T. Perry, Elizabethton, Tenn., and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product bore no marks, brands, or labels.

Adulteration of the product was alleged in the libel for the reason that it had mixed and packed with it, and substituted in part for it, a certain substance, to wit, methyl salicylate, in such manner as to reduce and lower and injuriously affect the quality and strength of said product, and which said

article was colored in such manner as to conceal its inferiority. Misbranding was alleged for the reason that the product was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, methyl salicylate, in imitation of and offered for sale under the distinctive name of oil of birch.

On January 6, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*

3205. Adulteration of tomato pulp. U. S. v. 100 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5375. S. No. 1980.)

On October 27, 1913, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each containing 4 dozen cans of tomato pulp, remaining unsold in the original unbroken packages and in possession of W. B. Myers, Savannah, Ga., alleging that the product had been shipped on or about October 8, 1913, by D. E. Foote & Co., Baltimore, Md., and transported from the State of Maryland into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "W. B. Myers, Savannah, Ga.—Family Brand Tomato Pulp Packed by D. E. Foote & Co. Baltimore, Md." (On cans) "Family Brand—Contents 10 oz. or over. Tomato pulp made from small tomatoes and trimmings. Packed by D. E. Foote & Co. Inc. Baltimore, Md."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of filthy, decomposed, or putrid vegetable substance.

On December 10, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*

3206. Adulteration and misbranding of wine. U. S. v. 10 Barrels of So-called Wine. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5377. S. No. 1977.)

On October 25, 1913, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 barrels of so-called wine, remaining unsold in the original unbroken packages and on the wharfs of the Southern Pacific Co., New Orleans, La., alleging that the product had been shipped on or about October 8, 1913, by the Two Brothers Wine and Liquor Co., Newark, N. J., and transported from the State of New Jersey into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Jack Johnson made wine preserved with 1/10 of 1 per cent of sodium benzoate. Nola Trading Company. New Orleans La. Momus 136 Oct 8 13 14."

Adulteration of the product was alleged in the libel for the reason that it contained substances which had been mixed with it so as to reduce, lower, and injuriously affect its quality and strength, and, further, for the reason that a certain substance had been substituted in part for the article itself, and for the further reason that the article was colored and mixed with certain artificial coloring matter in a manner whereby inferiority was concealed. Mis-

branding of the article was alleged for the reason that the product was labeled "Wine," when, in fact, the said article consisted of an imitation wine, artificially colored, and that in this manner the said label was false and misleading in regard to the ingredients of the said article contained in the barrels upon which said label appeared, and said article was further misbranded in that it was an imitation of and offered for sale under the distinctive name of another article, to wit, wine. Misbranding was alleged for the further reason that the product was labeled and branded "Wine," so as to deceive and mislead the purchaser into believing that the said article was wine, when, in truth and fact, it was not wine but was imitation wine artificially colored.

On November 24, 1913, the said Two Brothers Wine and Liquor Co., claimants, having filed their answer admitting the aforesaid allegations in the libel and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants upon payment of the costs of the proceeding and execution of bond in the sum of $200, in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3207. Adulteration of grapes. U. S. v. 500 Baskets of Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5378. S. No. 1978.)

On October 27, 1913, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 baskets of grapes, remaining unsold in the original unbroken packages at Waynesburg, Ohio, alleging that the product had been shipped in interstate commerce on or about October 17, 1913, by the Descalzi Fruit Co., Pittsburgh, Pa., and transported from the State of Pennsylvania into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. It was alleged in the libel that the product was adulterated in violation of paragraph 6, under "Foods," of section 7 of the act of Congress approved June 30, 1906, commonly known and designated as the Food and Drugs Act, in that said product consisted in whole or in part of filthy, decomposed, and putrid vegetable matter, unfit for food or as an ingredient of food, and on account of the condition of said grapes it was charged in the libel that they were adulterated within the meaning of said act of Congress.

On January 5, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3208. Adulteration of tomato stock. U. S. v. 200 Cases of Tomato Stock. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5383. S. No. 1983.)

On October 28, 1913, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases, each containing 24 cans of tomato stock, remaining unsold in the original unbroken packages, and in possession of the Georgia Warehouse & Commission Co., Savannah, Ga., alleging that the product had been shipped on or about October 9, 1913, by the Greenabaum Bros. Co., Seaford, Del., and transported from the State of Delaware into the State of Georgia,

and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "Johnson Brand 2 doz. No. 3 Contents, 2 lbs. ea. Tomato Stock. Made from Tomatoes and Juice and Pulp expressed from Parings. Packed by Greenabaum Bros. Inc. Seaford, Del." (On cans) "Johnson Brand Tomato Stock for Soups and Stews. Packed by Greenabaum Bros. Inc., Seaford, Sussex Co. Del. Johnson Brand Tomato Stock for Soups and Stews. Packed by Greenabaum Bros. Inc., at Seaford, Sussex Co., Del. Contents 2 pounds. Made from Tomatoes and Juice and Pulp Expressed from Parings. For stewing. Bring contents to a boil in a stew pan. Season to taste and add one cup of stale bread crumbs."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of filthy, decomposed, or putrid vegetable substance.

On December 10, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that the United States recover from the owner of the property the costs of the proceeding.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3209. Adulteration of tomato pulp. U. S. v. 200 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5386. S. No. 1982.)

On October 30, 1913, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia a libel for the seizure and condemnation of 200 cases, each containing one-half dozen cans of tomato pulp, remaining unsold in the original unbroken packages upon the premises of P. K. Chaconas and Co., Washington, D. C., alleging that the product had been transported from the State of Maryland into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "Family Brand Tomato Pulp Packed by D. E. Foote & Co., Inc., Baltimore, Md. (Rubber stamp) P. K. Chaconas & Co., Washington, D C." (On cans) "Family brand Contents 90 oz. or over Tomato Pulp Made from small tomatoes and trimmings Packed by D. E. Foote & Co., Inc., Baltimore, Md."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy and decomposed animal and vegetable substance.

On December 2, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3210. Adulteration of chestnuts. U. S. v. 36 Bags of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5393. S. No. 1986.)

On October 30, 1913, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia a libel for the seizure and condemnation of 36 bags of chestnuts, remaining unsold in the original unbroken packages and in possession of the Southern Railway Co. at Washington, D. C., alleging that the product had been shipped from the State of Virginia into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. Adulteration

of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal or vegetable substance, for which reason the chestnuts were absolutely unfit for human consumption.

On December 2, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*

3211. Adulteration and misbranding of oil of birch. U. S. v. 1 Can of Oil of Birch. Default decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5396. S. No. 1988.)

On October 31, 1913, the United States Attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 can containing about 65 pounds of a product purporting to be oil of birch, remaining unsold in the original unbroken packages, and in possession of C. F. Polk, Troy, N. Y., alleging that the product had been shipped by J. W. Hinkle, Elk Park, N. C., and transported in interstate commerce from the State of North Carolina into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The container bore no marks excepting shipping tag inscribed "Oil of Birch." Adulteration of the product was alleged in the libel for the reason that a certain substance consisting chiefly of methyl salicylate had been mixed and packed with the article of food so as to reduce and lower and injuriously affect the quality and strength thereof and, further, in that said methyl salicylate had been substituted wholly or in part for the original oil of birch therein in such manner as to reduce, lower, and injuriously affect the quality and strength thereof, thereby rendering the same unfit for food.

On December 9, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, the court finding that the misbranding of the product consisted in that, whereas the same was represented to be oil of birch, in fact and in truth, it consisted wholly or in part of methyl salicylate, and that the label thereon contained was calculated and intended to deceive and mislead the purchaser of said oil of birch and, further, that said product was a food product and also used in drugs, and was adulterated and deleterious to health. It was ordered by the court that the product should be redelivered to C. F. Polk, Troy, N. Y., upon payment of the costs of the proceeding and the execution of bond in the sum of $100, in conformity with section 10 of the act. When this case was reported for action, no claim was made that the presence of methyl salicylate in the product rendered it unfit for food or that it was deleterious to health.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*

3212. Adulteration and misbranding of oil of sweet birch. U. S. v. 2 Cans of Oil of Sweet Birch. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5398. S. No. 1985.)

On October 31, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 packages, each containing 60 pounds of a product purporting to be oil of sweet birch, remaining unsold in the original unbroken packages and in possession of Dodge and Olcott, New York, N. Y., alleging that the product had been shipped on or about October 8, 1913, by the Laurel Fork Distilling

Co., Hampton, Tenn., and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product bore no marks, brands, or labels other than express tags with the name and address of the consignor. Adulteration of the product was alleged in the libel for the reason that it had mixed and packed with it, and substituted in part for it, a certain substance, to wit, methyl salicylate, in such manner as to reduce, and lower, and injuriously affect the quality and strength of said product, and, further, for the reason that it was colored in such manner as to conceal its inferiority. Misbranding was alleged for the reason that the product was an imitation of, and offered for sale under, the distinctive name of another article, to wit, methyl salicylate, in imitation of, and offered for sale under, the distinctive name of oil of sweet birch.

On January 6, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3213. Adulteration and misbranding of oil of wintergreen. U. S. v. 1 Can of Oil of Wintergreen. Default decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5399. S. No. 1987.)

On October 30, 1913, the United States Attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 can containing about 47 pounds of a product purporting to be oil of wintergreen, remaining unsold in the original unbroken package and in possession of C. F. Polk, Troy, N. Y., alleging that the product had been shipped by V. B. Bowers, Elk Park, N. C., and transported in interstate commerce from the State of North Carolina into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that a certain substance consisting chiefly of methyl salicylate had been mixed and packed with the article so as to reduce, and lower, and injuriously affect the quality and strength of said article of food, and, further, in that said methyl salicylate had been substituted wholly or in part for the original oil of wintergreen therein in such a manner as to reduce, lower, and injuriously affect the quality and strength thereof, thereby rendering the same unfit for food.

On January 12, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, the court finding the product misbranded, and that the misbranding thereof consisted in that whereas the same was represented to be oil of wintergreen, in fact and in truth, it consisted in whole or in part of methyl salicylate, and that the label thereon contained was calculated and intended to deceive and mislead the purchaser of said oil of wintergreen, the court further finding that the product was a food product and also used in drugs and was adulterated and deleterious to health. It was ordered by the court that upon payment of the costs of the proceeding, amounting to $27.95, and the execution of bond in conformity with section 10 of the act in the sum of $100, said product should be redelivered to C. F. Polk, Troy, N. Y. When this case was reported for action, no claim was made that the presence of methyl salicylate in the product rendered it unfit for food or that the product was deleterious to health.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3214. Adulteration and misbranding of oil of birch. U. S. v. 1 Package of Oil of Birch. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5406. S. No. 1995.)

On November 6, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 package containing approximately 37 pounds of a product purporting to be oil of birch, remaining unsold in the original unbroken package and in possession of Dodge & Olcott Co., New York, N. Y., alleging that the product had been shipped on or about October 18, 1913, by Trivett & Ray, Beech Creek, N. C., and transported from the State of North Carolina into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product bore no labels or marks except the name and address of the consignee and express data, but was invoiced by the shipper as birch oil. Adulteration of the product was alleged in the libel for the reason that it was offered for sale as oil of birch, when in fact it consisted largely of methyl salicylate, which was substituted for the pure oil. Misbranding was alleged for the reason that the product was offered for sale and invoiced by the shipper thereof as birch oil, whereas, in truth and in fact, it consisted largely of methyl salicylate which was substituted for the pure oil.

On January 6, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3215. Adulteration and misbranding of macaroni product. U. S. v. 180 Boxes of Macaroni. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5407. S. No. 1992.)

On November 6, 1913, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 180 boxes, each containing about 22 pounds of macaroni product, remaining unsold in the original unbroken packages and in possession of H. Koch & Co., Newark, N. J., alleging that the product had been shipped on or about August 1, 1913, by the Atlantic Macaroni Co., Long Island City, N. Y., and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Savoia Brand Macaroni Gragnano Guaranteed under the Food and Drug Act June, 1906, Serial No. 3380 Style, 22 lbs. net. Perclatelli." The labels also bore pictorial representations of a bay, volcano in eruption, and a castle, and coat of arms consisting of a white cross on a red background. The word "style" was printed in such indistinct fashion as not to be observed unless the labels were closely scrutinized. It was further alleged that the macaroni product was colored by means of a coal tar dye in such manner as to conceal its inferiority, and that said macaroni product was intended for consumption as food, and was therefore adulterated in violation of the said act of Congress in such case made and provided. It was further alleged in the libel that the product was misbranded and was not a foreign product, but was produced in the United States of America, and that said labels were intended and calculated to deceive and mislead the purchaser in violation of said act of Congress. It was further alleged in the libel that said labels, inscriptions, delineations, and language were intended by their terms and style of display

to indicate that the macaroni product was and purported to be a foreign product, when, in truth and in fact, said macaroni product was not a foreign product, but was produced in the United States of America.

On January 27, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3216. Adulteration and misbranding of canned peas. U. S. v. 10 Cases of Canned Peas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5408. S. No. 1976.)

On November 3, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases, each containing 2 dozen cans of peas, remaining unsold in the original unbroken packages and in possession of Thomas Stokes & Son, New York, N. Y., alleging that the product had been shipped on or about August 22, 1912, by S. H. Levin's Sons, Philadelphia, Pa., and transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "2 doz. No. 2 cans Celtic Brand Peas packed from dried green peas by Alonzo Jones, Leipsic, Del." (On cans:) "Celtic Brand Peas packed from dried green peas Celtic Brand Alonzo Jones, Packer, Leipsic, Del. Contents: Peas, salt, sugar and water." (Pictorial representation of green peas on vine.)

Adulteration of the product was alleged in the libel for the reason that it consisted in part of decomposed vegetable matter, and, further, in that a substance had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, namely, that dried, soaked peas had been substituted for green peas in packing contrary to the provisions of section 7, subdivisions 1 and 6 under "Food" of said Food and Drugs Act. Misbranding was alleged for the reason that the expression "Packed from dried green peas," in small type against dark background on label, did not correct the misleading effect of the principal label.

On November 24, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3217. Adulteration of cheese. U. S. v. J. L. Kraft & Bros. Co. Plea of guilty. Fine, $100 and costs. (F. & D. No. 5412. I. S. No. 6729–e.)

On or about February 11, 1914, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the J. L. Kraft & Bros. Co., an Illinois corporation doing business at Kansas City, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 11, 1913, from the State of Missouri into the State of Kansas, of a quantity of cheese which was adulterated. The product was labeled: "J. L. Kraft & Bros. Co., Kansas City, Mo. 37. Buechner Bros., Topeka, Kans. J. L. Kraft & Bros. Co. dealers in imported and domestic cheese. 357–359 River St., Chicago, Tel. Randolph 4851. Santa Fe."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Fat (by Roese-Gottlieb method, modified) (per cent)	18.1
Protein (Nitrogen × 6.38) (per cent)	28.9
Ash (per cent)	3.8
Total solids (by drying at 100° C.) (per cent)	54.8
Ratio of proteins to fat	1.6:1

The results show that the product was made from partially skimmed milk; in other words, that butter fat had been extracted.

Adulteration of the product was alleged in the information for the reason that a valuable constituent of the article, namely, butter fat, had been in part abstracted and left out of said article.

On February 14, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3218. Adulteration and misbranding of oil of birch. U. S. v. 1 Can of Oil of Birch, so called. Default decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5414. S. No. 1998.)

On November 8, 1913, the United States Attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 can, containing approximately 50 pounds of a product purporting to be oil of birch, remaining unsold in the original unbroken packages and in the possession of C. F. Polk, Troy, N. Y., alleging that the product had been shipped by J. W. Hinkle, Elk Park, N. C., and transported in interstate commerce from the State of North Carolina into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that a certain substance consisting chiefly of methyl salicylate had been mixed and packed with said article of food so as to reduce, and lower, and injuriously affect its quality and strength, and, further, for the reason that said methyl salicylate had been substituted wholly or in part for the original oil of birch contained therein in such manner as to reduce, lower, and injuriously affect the quality and strength thereof, thereby rendering the same unfit for food.

On December 9, 1913, no claimant having appeared for the property, and evidence having been submitted on the part of the libelant, judgment of condemnation and forfeiture was entered, the court finding the product misbranded in that, whereas the same was represented to be oil of birch, in fact and in truth, it consisted wholly or in part of methyl salicylate, and that the label thereon contained was calculated and intended to deceive and mislead the purchaser of said oil of birch, and, further, that the said product was a food product and also used in drugs, and was adulterated and deleterious to health. It was ordered by the court that the product should be redelivered to C. F. Polk, in whose possession it was found, upon payment of the costs of the proceeding and the execution of bond in the sum of $100, in conformity with section 10 of the act. When this case was reported for action no claim was made that the presence of methyl salicylate in the product rendered it unfit for food or that the product was deleterious to health.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3219. Adulteration and misbranding of beer. U. S. v. 80 Cases of Bottled Beer. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5417. S. No. 2005.)

On November 10, 1913, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 80 cases, more or less, each containing 4 dozen bottles of beer, remaining unsold in the original unbroken packages and in possession of O. W. Bequette, Flat River, Mo., alleging that the product had been shipped by the East St. Louis-New Athens Brewing Co., New Athens, Ill., and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases and bottles) "Probst Supreme Lager Beer is the Supreme Effort of Master Brewers. This brew is fully matured—absolutely pure and wholesome—free from drugs, poison or chemical preservatives of any kind and will keep in any climate. It cannot be surpassed in quality. Guaranteed by E. St. Louis New Athens Brewing Co., New Athens, Ill., under the Food and Drugs Act June 30, 1906. Serial No. 11761." (Additional labels on bottles) "Brewed from selected barley malt and flavored with choicest imported Saazer hops. After the approved German method." The labels also bore pictorial representations of barley and hops.

Adulteration of the product was alleged in the libel for the reason that in the manufacture of same, some cereal or cereal product other than malt had been substituted in whole or in part for malt in such a manner as to, and it did, reduce and lower and injuriously affect the quality and strength of the product. Misbranding was alleged for the reason that the labels and brands on the bottles, to wit, "Brewed from selected barley malt and flavored from choicest imported Saazer hops," and said pictorial representations of barley and hops which appeared upon the labels and which formed a part of the labeling and branding of said bottles and cases, would create the belief and lead the purchaser thereof to believe that said product was an all-malt product, when, in truth and in fact, it was not an all-malt product, but, on the contrary thereof, some cereal or cereal product other than malt had been substituted therefor.

On January 15, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

3220. Misbranding of wine of Chenstohow. U. S. v. 40 Cases of Alleged Wine of Chenstohow. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5419. S. No. 2004.)

On November 11, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 cases of so-called "Celebrated Curative Wine of Chenstohow," remaining unsold in the original unbroken packages on the premises of the Michigan Central Railroad Co., Chicago, Ill., alleging that the product had been shipped by A. Skarzynski & Co., Buffalo, N. Y., to A. Skarzynski & Co., Chicago, Ill., and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On bottles, shoulder label) "Gold Medal Poland Bitters" (Principal label) "Celebrated Curative Wine of Chenstohow. This wine has been known in Europe for many years as the discovery of the Pauline fathers of Chenstohow. At the natural science and

medical exhibition of Lemberg, 1907, this wine was awarded the gold medal, which proves its curative and hygienic qualities. Those who suffer with general debility, loss of strength or appetite, indigestion, constipation, piles, pains, etc., should use the curative wine of Chenstohow. Dose: Three times a day one or two tablespoonfuls of the wine alone or in water immediately after meals. Children, a teaspoonful, or according to age. Price $1.00. Gold Medal Lemberg 1907 (representations of gold medals). Copyright No. 1510. Registered 12–12–1905. Trade Mark (representation of monastery). Incorporated A. Skarzynski & Co. Buffalo, N. Y. Guaranteed under the pure food and drugs act June 30, 1906. Guaranty No. 9077. Contains alcohol 17 to 19% In the form of wine." It was also labeled in a foreign language, and the labels also contained representations of medals and a representation of a monastery.

Misbranding of the product was alleged in the libel for the reason that the statements contained in the labels borne upon each of the bottles containing the drug product and the representations of medals and the representation of a monastery were false and misleading, in that said statements and said representations of medals and said representation of a monastery on the labels represented to the purchaser that the drug product aforesaid was a drug product known as "Wine of Chenstohow" which had been manufactured in the city of Chenstohow in Russian Poland, whereas, in truth and in fact, the drug product aforesaid was not the genuine "Wine of Chenstohow" manufactured in the city of Chenstohow in Russian Poland, but was a sweetened wine having in solution the extractive matter from some laxative or emodin-bearing product, and was manufactured in the city of Buffalo in the State of New York in the United States of America. Misbranding was alleged for the further reason that each of the bottles containing the drug product was packed in a carton, which said carton failed to bear a statement in the label thereon of the quantity or proportion of alcohol contained in said drug product aforesaid. Misbranding was alleged for the further reason that the statements contained in the labels on the bottles and the representations of medals and the representation of a monastery misled the purchaser into the belief that the drug product aforesaid was manufactured in the city of Chenstohow in Russian Poland, whereas, in truth and in fact, it was manufactured in the city of Buffalo in the State of New York in the United States of America.

On January 6, 1914, the said A. Skarzynski & Co., claimant, having filed its answer admitting the material allegations in the libel and the court having read and considered the same, and having heard the arguments of counsel, and being advised in the premises, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be surrendered and delivered to said company upon payment of the costs of the proceeding and the execution of bond in the sum of $500, in conformity with the act, conditioned that said claimant should relabel each of the bottles of the product in tenor and form as follows:

1. That there should be placed immediately below the shoulder label containing the words "Gold Medal Poland Bitters" a label bearing in prominent letters the following words: "Made in Buffalo, New York, U. S. A."

2. That immediately above the principal label there should be placed a label bearing in prominent letters the following words: "Medical Compound." "This product is manufactured in Buffalo, New York, U. S. A."

3. That there should be completely obliterated that portion of the label appearing to the left of the center of said label, the following words: "This wine has been known in Europe for many years as the discovery of the Pauline fathers of Chenstohow."

4. That there should also be obliterated from that portion of the label appearing to the right of the center panel of said label, the following words: "W starym kraju znane od Dawnych lat, jako wynalazek oo. Paulinow w czestochowie."

5. That there should be placed upon each of the cartons containing each of the bottles filled with the drug product aforesaid, and immediately over the words "Medicinal Compound," appearing on each of said cartons, a label bearing in prominent letters the following words: "This product is manufactured in Buffalo, New York, U. S. A." "Contains alcohol 17 to 19 percentum in the form of wine."

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3221. Adulteration and misbranding of Hercules medicinal beer. U. S. v. 500 Cases of Hercules Medicinal Beer. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5425. S. No. 2003.)

On November 13, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 cases, each containing 2 dozen bottles, of a product purporting to be medicinal beer, remaining unsold in the original unbroken packages and in possession of the New York and Baltimore Transportation Line, New York, N. Y., alleging that the product had been shipped on or about October 30, 1913, by the Standard Brewery Co., Baltimore, Md., and transported from the State of Maryland into the State of New York for further transportation to the Island of Porto Rico, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "2½ Galls. Tonic—Handle With Care"; (on gummed label) "International Union of the United Brewery Workmen"; (on bottles) "Hercules Medicinal Beer—containing malt, hops, lithium carbonate, and other medicinal ingredients. Recommended as a tonic, sedative assistant for the treatment of indigestion, dyspepsia, anæmia, mal nutrition, etc., etc. A pleasant restorative for nursing mothers and convalescents. Only the best materials are used and the process is conducted with scrupulous care. Our medicinal beer contains all the nutritive virtues of the best malt tonic, and will fully satisfy the medical profession as the most palatable efficacious assistant to insure healthy appetite, good digestion, restore refreshing sleep, strengthen the nervous system, build up the constitution and as a valuable substitute for solid food. Directions—A wineglassful with each meal and on going to bed, or as may be directed by the physicians. Children in proportion to age. Contains from 3 to 4 per cent alcohol naturally produced, guaranteed by the manufacturers under the Food and Drugs Act June 30, 1906. Manufactured by Standard Brewery Co. Baltimore. This is a medicinal preparation, not a beverage." The labels on the bottles also bore certain statements of claims in the Spanish language.

Adulteration of the product was alleged in the libel for the reason that it purported to be manufactured from malt, hops, lithium carbonate, and other medicinal ingredients, when, in fact, some cereal or cereal product had been substituted for malt in the preparation of the article and it contained no appreciable amount of lithium salts, and such cereal or cereal product had been mixed with the article so as to reduce, and lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the product was an imitation and in that it was labeled and branded so as to deceive and mislead the pur-

chaser, since said label created the belief that malt was used in the manufacture of said product, when, as a matter of fact, some cereal or cereal product had been substituted for malt, and since said labels created the belief that lithium carbonate was an ingredient of the article of food, when, in fact, there was no appreciable amount of lithium salt present.

On December 18, 1913, the claim and stipulation for costs having been filed by the Standard Brewery Co., Baltimore, Md., claimant, and said claimant having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

It was further provided, however, by order of the court that upon payment of all the costs of the proceedings and the execution of the bond in the sum of $500 by said claimant, in conformity with section 10 of the act, the product should be redelivered to the claimant.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3222. Adulteration of canned goods. U. S. v. 2,000 Cases of Canned Goods. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5427. S. No. 2011.)

On November 13, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2,000 cases, consisting of canned vegetables, canned fruits, canned fish, canned meats, canned sirups, and canned soups, remaining unsold in the original unbroken packages and in possession of A. L. Weisenburger upon the premises of the Northwestern Storage Warehouse, Chicago, Ill., alleging that the products had been shipped by E. L. Fretchling and A. L. Weisenburger from Hamilton, Ohio, on October 30, 1913, and transported from the State of Ohio into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the canned vegetables, canned fruits, canned sirups, and canned soups was alleged in the libel for the reason that they consisted wholly of a filthy, decomposed, and putrid vegetable substance. Adulteration of these products was also alleged in the libel for the reason that they consisted in part of a filthy, decomposed and putrid vegetable substance. Adulteration of the canned fish, canned meats, and canned soups was alleged in the libel for the reason that they consisted wholly of a filthy, decomposed, and putrid animal substance. Adulteration of these last-named products was also alleged in the libel for the reason that they consisted in part of a filthy, decomposed, and putrid animal substance.

On January 15, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3223. Adulteration of St. Johns bread. U. S. v. 5 Sacks of Saint Johns Bread. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5429. S. No. 2012.)

On November 13, 1913, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 sacks, each containing about 200 pounds of St. Johns bread, remaining unsold in the original unbroken packages, and in possession of

Catanzaro Co., Baltimore, Md., alleging that the product had been transported from the State of New York into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The sacks containing the product were branded "A B L New York Italy Gross Kos. 100." Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy, putrid, and decomposed vegetable substance.

On December 26, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3224. Adulteration of chestnuts. U. S. v. 20 Bags of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5431. S. No. 2013.)

On November 15, 1913, the United States Attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 bags, each containing approximately 60 pounds of chestnuts, remaining unsold in the original unbroken packages and in possession of the Koehler Produce Co., Pittsburgh, Pa., alleging that the product had been shipped on or about October 30, 1913, by Stevens Bros., Baltimore, Md., and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The product was branded on the shipping tags: "Koehler Produce Co., Ltd., Wholesale Produce and Commission Merchants, 52 21st St., Pittsburg, Pa. From 5861." Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of filthy, decomposed, or putrid vegetable substance.

On January 19, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3225. Adulteration of dried apples. U. S. v. 5 Bags of Dried Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5434. S. No. 2014.)

On November 15, 1913, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 bags of dried apples, remaining unsold in the original unbroken packages and in possession of the Chesapeake Steamship Co., Baltimore, Md., alleging that the product had been shipped from the State of Virginia into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On shipping tags) "From Leathers and Utz, Criglersville, Virginia. John P. Wittler and Company, Commission Merchants, 11 W. Camden St., Baltimore, Md." Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy, decomposed, and putrid vegetable substance, to wit, filthy, decomposed, and putrid apples.

On December 5, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3226. Adulteration of chestnuts. U. S. v. 12 Bags of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5435. S. No. 2016.)

On November 17, 1913, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 bags of chestnuts, remaining unsold in the original, unbroken packages and in the possession of Henderson, Linthicum & Co., Baltimore, Md., alleging that the product had been shipped from the State of Virginia into the State of Maryland on or about November 11, 1913, and charging adulteration in violation of the Food and Drugs Act. The product was labeled (on shipping tags attached to bags): "Henderson, Linthicum Co. Baltimore, Md., From R. S. Godwin and Co., General Commission Merchants and wholesale dealers in fruits and vegetables. 49–53 Roanoke Square and 217–219 Water Street, Norfolk, Va." Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance, to wit, filthy, decomposed, and putrid chestnuts.

On December 5, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3227. Adulteration of eggs. U. S. v. 46 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5437. S. No. 2015.)

On November 19, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 46 cases, each containing 30 dozen eggs, remaining unsold in the original unbroken packages, at Chicago, Ill., alleging that the product had been shipped, on November 4, 1913, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. Adulteration of the product was alleged in the libel for the reason that it consisted wholly of a filthy, decomposed, and putrid animal substance. Adulteration was also alleged for the reason that the product consisted in part of a filthy, decomposed, and putrid animal substance.

On January 15, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3228. Adulteration of tomato pulp. U. S. v. 191 Cases of Tomato Pulp. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 5456. S. No. 2025.)

On November 29, 1913, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 191 cases, each containing 4 dozen cans of tomato pulp, remaining unsold in the original unbroken packages and in possession of Lichtenstein and Hirsch, Savannah, Ga., alleging that the product had been shipped on or about November 15, 1913, by Roberts Bros., Baltimore, Md., and transported from the State of Maryland into the State of Georgia, and charging

adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "4 doz. cans No. 1—10 ounces each—Roberts Bros. Big R Brand tomato pulp—main office, Baltimore, Md." (On retail packages) "Big R Brand—packed by Roberts Bros. Main office Baltimore, Md.—Big R Brand—Made from pieces and trimmings of tomatoes—tomato pulp—contents weigh 10 oz." Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of filthy, putrid, or decomposed vegetable substance.

On January 10, 1914, the said Roberts Bros., claimants, having consented to a decree of condemnation and destruction, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that the said claimant should pay the costs of the proceeding.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3229. Adulteration of canned goods. U. S. v. 300 Cases of Canned Goods. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5459. S. No. 2027.)

On December 1, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 cases of canned goods, consisting of canned vegetables, to wit, canned corn, canned tomatoes, canned succotash, canned peas, and canned beans, and an assortment of canned sirups, remaining unsold in the original unbroken packages and in possession of A. L. Weisenburger, and stored in the premises of the Northwestern Storage Warehouse, Chicago, Ill., alleging that the product had been shipped by E. L. Fretchling and A. L. Weisenburger from Hamilton, Ohio, on November 7, 1913, and transported from the State of Ohio into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. Adulteration of all these canned products was alleged in the libel for the reason that they consisted wholly of a filthy, decomposed, and putrid vegetable substance. Adulteration was also alleged in the libel for the reason that they consisted in part of a filthy, decomposed, and putrid vegetable substance.

On January 15, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3230. Adulteration of walnuts. U. S. v. 25 Bags of Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5460. S. No. 2031.)

On December 1, 1913, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 bags, each containing nuts, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. Adulteration of the product was alleged in the libel for the reason that it consisted, in part, of a filthy, decomposed, and putrid vegetable substance.

On January 17, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1914.*

3231. Misbranding of wild cherry pepsin. U. S. v. 5 Cases of Wild Cherry Pepsin. Plea of guilty. Product released on bond. (F. & D. No. 5461. S. No. 2033.)

On December 4, 1913, the United States Attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases of wild cherry pepsin, remaining unsold in the original unbroken packages and in possession of the Wheeling Liquor Co., Wheeling, W. Va., alleging that the product had been shipped during the month of November, 1913, by the Samuel P. Haller Co., Pittsburgh, Pa., and transported from the State of Pennsylvania into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended. The product was labeled: (On shipping cases) "Dr. Johnson's Wild Cherry Pepsin, Greatest Tonic in the World, Samuel P. Haller Co., Pittsburg, Pa., Cures indigestion, guaranteed to conform with the National Pure Food Law. Wheeling Liquor Co., Wheeling, W. Va. From Samuel P. Haller Co., Pittsburg, Pa." (On bottles—principal label) "Dr. Johnson's Wild Cherry Pepsin, Greatest Tonic in the World, Delicious Flavor, Samuel P. Haller, Pittsburg, Pa." Design of a branch with leaves and cherries. (Side label) "Dr. Johnson's Wild Cherry Pepsin, prepared with the greatest care from the juice of ripe wild cherries and pepsin. It combines the elements of medicinal virtues with those of an agreeable and pleasant drink. It is a positive cure for dyspepsia, indigestion, colic, colds, diarrhœa and all other diseases originating from weak organs. Directions, Take one wine glass full either before or after meals. It can also be taken mixed with wine, brandy or whiskey in equal proportions at any time. Give women and children smaller doses. It may also be taken mixed with good wine, such as Port or Sherry. For sale by all leading liquor dealers, druggists and grocers. Caution, sold in bottles only, never in bulk. Samuel P. Haller."

Misbranding of the product was alleged in the libel for the reason that the preparation indicated by the said labels as aforesaid that it was essentially a wild cherry pepsin preparation, when, in fact, there was only a trace of pepsin present and little, if any, wild cherry, the product being artificially flavored with benzaldehyde and artificially colored to give it the flavor and appearance of wild cherry. Misbranding was alleged for the further reason that the product was labeled, "Greatest Tonic in the World," and bore on the labels, in both English and German, "A positive cure for dyspepsia, indigestion, colic, colds, diarrhœa and all other diseases originating from weak organs," when, in truth and in fact, said statements contained on the labels aforesaid were false, fraudulent, and misleading, since the product contained no ingredients capable of producing the therapeutic effects claimed for it in said labels as aforesaid.

On December 22, 1913, the said Samuel P. Haller Co., Pittsburgh, Pa., claimant, having filed bond in the sum of $500, in conformity with section 10 of the act, it was ordered by the court that the product should be released to said claimant upon payment of the costs of the proceedings.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1914.*

3232. Adulteration of tomato pulp. U. S. v. 200 Cases of Tomato Pulp. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 5463. S. No. 2035.)

On December 10, 1913, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases, each containing 4 dozen cans of tomato pulp, remaining unsold in the original unbroken packages and in possession of Lichtenstein and Hirsch, Savannah, Ga., alleging that the product had been shipped on or about October 30, 1913, by Roberts Bros., Baltimore, Md., and transported from the State of Maryland into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "4 doz. cans 10 ounces each No. 1 Roberts Bros. Big R Brand Tomato Pulp Trade Mark Main Office, Baltimore, Md. Lichtenstein & Hirsch, Savannah, Ga." (On cans) "Big R Brand Tomato Pulp Made from Pieces and Trimmings of Tomatoes. Contents weigh 10 oz. Big R Brand Packed by Roberts Bros., Main Office, Baltimore, Md."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of decomposed, filthy, and putrid vegetable substance.

On January 10, 1914, the said Roberts Bros., owners, having consented to a decree of condemnation and destruction, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that the costs of the proceeding should be paid by said owners.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3233. Adulteration of tomato paste. U. S. v. 20 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5464. S. No. 2036.)

On December 5, 1913, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 cases of tomato paste, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by the Ignatius Gross Co., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. Each case was branded with the letters "I. G." and each can was labeled: "Tomato Conserve. American Conserve Co., New York Conserva di Tomate. Packed by our special process, Rossa. Guaranteed by American Conserve Co. under the Food and Drugs Act June 30, 1906, Serial No. 9270. Containing $\frac{1}{10}$ of 1% of Benzoate of Soda, and 15% of salt. This can contains 15 oz. net weight. I. G. Directions, etc." Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On February 18, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3234. Adulteration of tomato pulp. U. S. v. 300 Cases, More or Less, of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5468. S. No. 2042.)

On December 19, 1913, the United States Attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of an article of food contained in 300 cases, more or less, purported and represented to be tomato pulp, remaining unsold in the original unbroken packages and in possession of the Morgan Steamship Co., at Galveston, Tex., alleging that the product had been shipped on November 29, 1913, by the Hartlove Packing Co., Baltimore, Md., and transported from the State of Maryland into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "B. R. Co. Kennedy Texas." The cans in 150 cases were labeled: "Calhoun Brand Tomato Pulp—Made from Tomato Pulp and Trimmings—Contents weigh 10 oz. Calhoun Brand—Hartlove Packing Company, Baltimore, Md." The cans in the remaining cases were labeled: "Calhoun Brand Tomato Pulp. Contents 11 ounces or over. Packed by Hartlove Packing Company, Baltimore, Md."

It was alleged in the libel that the product was adulterated by being partly decomposed and putrid and that so being partly decomposed and putrid made the same deleterious and might render the same injurious to health.

On January 14, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3235. Adulteration and misbranding of cognac or cognac type liquor. U. S. v. The Nectar Co. Plea of guilty. Fine, $250. (F. & D. No. 5470. I. S. No. 20803-d.)

On January 31, 1914, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Nectar Co., a corporation of New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 4, 1912, from the State of New York into the State of Missouri, of a quantity of cognac type liquor which was adulterated and misbranded. The product was labeled: (On each case) "Casnon Fréres et Fils Brand Cognac Type Serial No. 26497—N. Co. New York—Fragile—Glass with care This side up Samuel Epstein 520 Clark Ave., St. Louis, Mo." (and design of three stars). (On each bottle) "C. F. et Fils (design of grape vine and bunches of grapes) Casnon Fréres et Fils Brand Cognac Type Guaranteed to meet the requirements of the National Pure Food Law. Serial No. 26497. Registered U. S. Patent Office."

Analysis of samples of the product by the Bureau of Chemistry of this department showed the following results:

Analysis No. 1:

Solids (parts per 100,000, 100° proof alcohol)	105.3
Acids, total, as acetic (parts per 100,000, 100° proof alcohol)	8.5
Esters, fixed, as acetic (parts per 100,000, 100° proof alcohol)	16.7
Aldehydes, fixed, as acetic (parts per 100,000, 100° proof alcohol)	2.4
Furfural (parts per 100,000, 100° proof alcohol)	0.2

Analysis No. 2:

Proof (degrees)	84.3
Fusel oil (parts per 100,000, 100° proof alcohol)	21.0
Color (degrees, Lovibond, 0.5 inch cell)	8.3
Color, insoluble in water (per cent)	80.0
Color, insoluble in amyl alcohol (per cent)	48.0

The above results show that the product is largely neutral spirits.

Adulteration of the product was alleged in the information for the reason that a substance other than cognac or cognac type of liquor had been mixed and packed with it so as to reduce, or lower, or injuriously affect its quality or strength, and in that imitation cognac had been substituted wholly or in part for cognac or cognac type of liquor, which the article was represented to be. Misbranding of the product was alleged for the reason that the statement "Casnon Frères et Fils Brand Cognac Type," borne on the original shipping packages and the bottles in which said article was shipped and sold, was false and misleading because, as a matter of fact, said cases did not contain cognac or a cognac type of liquor, but did contain imitation cognac. Misbranding was alleged for the further reason that the article was an imitation cognac and was offered for sale under the distinctive name of cognac. Misbranding was alleged for the further reason that the article was labeled and branded so as to purport it to be a foreign product, when, as a matter of fact, it was not a foreign product, but was manufactured in the United States of America.

On February 9, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $250.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3236. Adulteration of tomato pulp. U. S. v. 100 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5479. S. No. 2047.)

On December 13, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases of tomato pulp, remaining unsold in the original unbroken packages and in possession of Lubin and Sitomer, New York, N. Y., alleging that the product had been shipped on or about December 9, 1913, by the Andrews Packing Co., Wingate, Md., into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Asquith Brand Tomato Pulp—Made from tomatoes and fresh tomato trimmings with great care—Contents weigh 10 oz.—Asquith Brand—Packed by Andrews Packing Co., Crapo, Md." Adulteration of the product was alleged in the libel for the reason that it consisted of a decomposed substance, contrary to the provisions of section 7, subdivision 6, under "Foods," of the Food and Drugs Act.

On January 12, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3237. Adulteration of tomato pulp. U. S. v. 200 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5482. S. No. 2050.)

On December 15, 1913, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases, each containing 4 dozen cans of tomato pulp, remaining unsold in the original unbroken packages and in possession of the Kaiser-Huhn Grocer Co., St. Louis, Mo., alleging that the product had been transported in interstate commerce, on or about October 27, 1913, from the State of Maryland into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "4 doz. cans 10 ounces each No. 1 Roberts Bros. Big R Brand Trade Mark Tomato Pulp Main Office Baltimore, Md." (On cans) "Big R Brand Packed by Roberts Bros., Main Office, Baltimore, Md. Big R Brand Tomato Pulp Made from pieces and trimmings of tomatoes. Contents weigh 10 oz."

Adulteration of the product was alleged in the libel for the reason that it contained a large, excessive, and deleterious amount of mold filaments, yeasts, spores, and bacteria, and numerous moldy fragments, and said product was composed of partly decomposed vegetable matter. Adulteration was alleged for the further reason that decomposed vegetable substances, to wit, yeasts, spores, bacteria and moldy filaments, had been mixed and packed with the product so as to reduce, lower, and injuriously affect the quality of the product, and that said product was of a deleterious character within the meaning of said act of Congress of June 30, 1906. (When this case was reported for action, no claim was made by this department that the product was of a deleterious character within the meaning of the Food and Drugs Act.)

On January 19, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3238. Adulteration of dried apples. U. S. v. 4 Bags of Dried Apples, More or Less. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5484. S. No. 2055.)

On December 16, 1913, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 bags of dried apples, remaining unsold in the original unbroken packages and upon the premises of the Baltimore Steam Packet Co., of Baltimore, Md., alleging that the product had been transported from the State of Virginia into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Shipped by A. J. Turner, P. O. address —— ——, expressed from Philpott, Virginia, to R. S. Jackson, Produce Commission Merchants, eggs, poultry, butter, No. 113 South Charles Street, Baltimore, Md." Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy, decomposed, and putrid animal substance, to wit, that it was covered by insect excreta.

On January 17, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3239. Adulteration of tomato conserve. U. S. v. 285 Cases of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5488. S. No. 2051.)

On December 16, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 285 cases of tomato conserve, remaining unsold in the original unbroken packages and in possession of the Nasiacos Importing Co., Chicago, Ill., alleging that the product had been shipped by C. D. Stone & Co., New York, N. Y., on September 23, 1913, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. Adulteration of the product was alleged in the libel for the reason that it consisted wholly of a filthy, decomposed, and putrid vegetable substance. Adulteration was also alleged in the libel for the reason that the product consisted in part of a filthy, decomposed, and putrid vegetable substance.

On January 15, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3240. Adulteration and misbranding of catsup. U. S. v. 10 Barrels of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5493. S. No. 2000.)

On December 19, 1913, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 barrels, more or less, of catsup, remaining unsold by the consignee in the original unbroken packages at New Orleans, La., alleging that the product had been shipped on or about September 15, 1913, by the American Pickle & Canning Co., Wiggins, Miss., and transported from the State of Mississippi into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product bore no label.

It was alleged in the libel that an examination of the contents of the barrels by the Bureau of Chemistry of the Department of Agriculture showed the presence of mold filaments with yeasts and spores and an excessive number of bacteria, and that the same was partly decomposed and consisted of a decomposed vegetable substance, and that the same was adulterated within the meaning and intent of the act of Congress of June 30, 1906, known as the Food and Drugs Act. It was further alleged in the libel that the aforesaid examination of the contents of the barrels of catsup showed the presence therein of benzoate of soda, although that fact was not declared by labels or otherwise upon the barrels containing the catsup, and that this was in violation of the food inspection decisions, which only permit the use of benzoate of soda provided the containers of same are properly labeled to that effect, and that therefore said 10 barrels of catsup were also misbranded within the meaning and intent of section 8, paragraph 2, of said Food and Drugs Act.

On February 7, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3241. Adulteration of tomato catsup. U. S. v. 100 5-Gallon Cans of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5499. S. No. 2065.)

On December 22, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 5-gallon cans of tomato catsup, remaining unsold in the original unbroken packages and in possession of Louis Karp, New York, N. Y., alleging that the product had been shipped on or about November 25, 1913, by W. H. Neal & Son, Bethlehem, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Ketchup—made from small tomatoes, pieces and trimmings, 1/5 of 1 per cent benzoate soda. Packed by W. H. Neal & Son, Bethlehem, Md."

Adulteration of the product was alleged in the libel for the reason that it contained a partially decomposed vegetable product, to wit, mold filaments, yeast, and spores.

On January 12, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1914.*

NOTE FOR N. J. 3115.—While it was alleged in the libel that there was no statement on the label or brand showing that the contents of the packages were blends, it was merely claimed by this department in reporting the case for action that the statement on the label as to blend did not indicate to the consumer that the product was a mixture of olive oil and cottonseed oil.

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1914

S. R. A.—Chem. 6, Suppl. Issued October 28, 1914.

U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.[1]

JUNE, 1914.

SUPPLEMENT.[2]

N. J. 3242-3331.

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3242. Misbranding of apples. U. S. v. 1800 Boxes of Apples. Product ordered released on bond. (F. & D. No. 5508. S. No. 2071.)

On December 1, 1913, the United States attorney for Oregon filed in the District Court of the United States for said district a libel and amended libel for the seizure and condemnation of 1800 boxes of apples, remaining unsold in the original unbroken packages and in possession of the Spokane, Portland, and Seattle Railway Co. at their yards at Portland, Oreg., alleging that the product had been shipped on or about November 26, 1913, by Eugene Kuhne, Underwood, Wash., and transported from the State of Washington into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act. Six hundred of the boxes were labeled: "Spitzenbergs; Extra Fancy; White Salmon Valley, Underwood, Washington; Columbia River; Hood River; Oregon; Hood River Valley Apple Growers Union of the White Salmon Valley, Underwood, Washington." Six hundred of the boxes were labeled: "Red Cheeks, Extra Fancy, White Salmon Valley, Underwood, Washington, Columbia River, Hood River, Oregon, Hood River Valley Apple Growers Union of the White Salmon Valley, Underwood, Washington." Six hundred of the boxes were labeled: "Yellow Newtons, Extra Fancy, White Salmon Valley, Underwood, Washington, Columbia River, Hood River, Oregon, Hood River Valley Apple Growers Union of the White Salmon Valley, Underwood, Washington."

Misbranding of the product was alleged in the libel for the reason that the apples in said boxes were not Spitzenbergs, extra fancy, Red Cheeks, extra

[1] In conformity with a uniform plan for the issuance of information, instructions, and notices of a regulatory nature by various branches of the department, as prescribed by the Acting Secretary of Agriculture in memorandum No. 57, dated December 26, 1913, this publication is issued monthly by the Bureau of Chemistry. It covers approximately the month for which it is dated, and each month's issue is expected to appear during the succeeding month. Free distribution will be limited to firms, establishments, and journals especially concerned. Others desiring copies may obtain them from the Superintendent of Documents, Government Printing Office, Washington, D. C., at 5 cents each, or 50 cents a year.

[2] Owing to the large accumulation of Notices of Judgment now awaiting publication, the plan of issuing supplements to the Bureau of Chemistry Service and Regulatory Announcements has been adopted. Such supplements will be published in the future whenever it is necessary to issue an excessive number of Notices of Judgment.

fancy, or Yellow Newtons, extra fancy, respectively, and were not packed or shipped by the Apple Growers Union, Underwood, Washington.

On December 9, 1913, the case having come on for hearing, it was ordered by the court, upon motion of the assistant United States attorney, that the product should be released and delivered to the said Eugene Kuhne, claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of $500, conditioned that the said apples should not be sold or disposed of except in accordance with the laws of any State, Territory, District, or insular possession of the United States.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3243. Misbranding of macaroni product. U. S. v. 100 Boxes of Macaroni Product. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5511. S. No. 2075.)

On January 8, 1914, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 boxes, each containing 25 pounds, more or less, of macaroni product, remaining unsold in the original unbroken packages at 902 South Seventh St., and elsewhere, Philadelphia, Pa., alleging that the product had been shipped on or about December 22, 1913, and transported from the State of Delaware into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "White Star of Italy Gragnano style near Napoli (picture of star) (picture of factory) Trade mark Manufactured by Antonio Ciricola Artificial Coloring Guaranteed by the Pure Food Act June 30th, 1906. Serial No. 52687".

Misbranding of the product was alleged in the libel for the reason that it was labeled so as to deceive and mislead the purchaser, in that the boxes containing the article of food each bore a label as set forth above, the words "Gragnano" and "Napoli" being in large and conspicuous letters, and the words "style near" being in small and inconspicuous letters, so that the purchaser would be deceived and misled into believing that said article was made at Gragnano near the city of Naples in the kingdom of Italy, whereas, in truth and in fact, the said article of food was not made at Gragnano near the city of Naples in the kingdom of Italy, but had been produced in the city of Wilmington, in the State of Delaware, in the United States of America. Misbranding was alleged for the further reason that the product was labeled so as to purport to be a foreign product when not so, in that each of said boxes bore a label in character as aforesaid, by virtue of which the said article purported to have been made at Gragnano near the city of Naples, in the kingdom of Italy, whereas, in truth and in fact, the said article had not been made at Gragnano, near the city of Naples, in the kingdom of Italy, but had been produced in the city of Wilmington, in the State of Delaware, in the United States of America. Misbranding was alleged for the further reason that the label on each of the boxes containing the article of food bore a statement, to wit, "Guaranteed by the Pure Food Act June 30th, 1906," which said statement was false and misleading in this particular, to wit, in that the purchaser would be deceived and misled into believing that the pureness and origin of the said article of food were guaranteed by the United States Government instead of being guaranteed by the manufacturers of the same under the provisions of the Pure Food Act of June 30, 1906, whereas, in truth and in fact, the pureness and origin of said article of food were guaranteed only by the manufacturers of the same under the provisions of said act.

On February 9, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the property should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3244. Adulteration and misbranding of dandelion root. U. S. v. 3 Bags of a Product Purporting to be Dandelion Root. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5539. S. No. 2081.)

On or about January 14, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 bags containing 310 pounds of a product purporting to be dandelion root, remaining unsold in the original unbroken packages in the possession of Lawrence, Son & Gerrish, New York, N. Y., alleging that the product had been shipped on or about September 27, 1913, by Smith, Kline & French Co., Philadelphia, Pa., and transported in interstate commerce from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. One of the bags was identified by the marks "S. K. and F. Co. 45642 Philadelphia," and by the marks "J. L. H. 2"; the second of said bags was identified by the marks "S. K. & F. Co. 45636 Philadelphia" and "J. L. H. No. 3"; the third of said bags was identified by the marks "S. K. & F. Co. 45639 Philadelphia" and "J. L. H. No. 4," each of said bags bearing the words "Dandelion Root."

Adulteration of the product was alleged in the libel for the reason that it was offered for sale as dandelion root, when, in fact, it contained in substantial part chicory, which was substituted for dandelion root. Misbranding was alleged for the reason that said product was offered for sale under the name of another article, that is to say, said product was offered for sale as prime dandelion root, when, in fact, it contained in substantial part chicory.

On February 2, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3245. Adulteration and misbranding of cottonseed feed meal. U. S. v. 700 Sacks of Cottonseed Feed Meal. Consent decree. Product released on bond. (F. & D. No. 5557. S. No. 2096.)

On January 28, 1914, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 700 sacks, each containing 100 pounds of cottonseed feed meal, remaining unsold in the original unbroken packages and in the freight warehouse of the Louisville & Nashville R. R. Co., at Montgomery, Ala., alleging that the product had been shipped by the Memphis Mfg. Co., Memphis, Tenn., 300 of the sacks on December 11, 1913, consigned to W. D. Stegall, and 400 sacks on December 18, 1913, consigned to the Winter-Loeb Gro. Co., both of Montgomery, Ala., and transported from the State of Tennessee into the State of Alabama, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "100 Pounds Imperial Brand Cotton Seed Feed Meal for stock feed only Manufactured by Memphis Manufacturing Co., Memphis, Tenn. Mixture of Cotton Seed Meal and Hull Bran Guaranteed Analysis: Protein 22% Fat 5% Fibre 22% Carbohydrates 38%."

It was alleged in the libel that the product was adulterated and misbranded in that it was largely deficient in the principal and valuable ingredients of animal food, in this, that it contained a smaller percentage of protein than it was branded to contain; that it contained a smaller percentage of fat than it was branded to contain; which two constituents of animal food were material and valuable, and that said cottonseed feed meal contained a larger percentage of fiber than it was branded to contain, which said constituent of animal food was not a valuable constituent of animal food entering into the composition or manufacture of said cottonseed feed meal, and said cottonseed feed meal was adulterated in that it contained a larger percentage of fiber than it was branded to contain, and a smaller percentage of fat than it was branded to contain. It was further alleged in the libel that 300 sacks of the product were misbranded in that they did not contain protein, 22 per cent, fat, .05 per cent [5 per cent (?)], fiber, 22 per cent, but that they did contain, to wit, protein, 19.75 per cent, fat, 3.87 per cent, and fiber, 27.67 per cent, and, further, that the 400 sacks of the product were misbranded in that they did not contain protein, 22 per cent, fat, .05 per cent [5 per cent (?)], fiber, 22 per cent, but that they contained, to wit, protein, 20.75 per cent, fat, 4.36 per cent, and fiber, 25.15 per cent.

On January 31, 1914, Charles E. Mitchell, claimant, having confessed the allegations in the libel, and the matter being submitted for final decree, and it appearing to the court that the product was not of a poisonous or deleterious character, was not adulterated, but was only misbranded in the matter of the correct percentage of the constituent elements of the product, and said claimant proposing to give bond in accordance with section 10 of the Food and Drugs Act, and the bond having been executed and approved, it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3246. Adulteration and misbranding of oysters. U. S. v. 150 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5572. S. No. 2101.)

On February 4, 1914, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 cases, each containing 24 cans of oysters, remaining unsold in the original unbroken packages upon the premises of the Kedney Warehouse Co., Minneapolis, Minn., alleging that the product had been shipped on December 6, 1913, by the Sea Food Co., Biloxi, Miss., and transported from the State of Mississippi into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Serv-us—Slockum Bergren, Minneapolis." (On cans) "Trade Serv-us Mark Brand Registered Oysters Serv-us Pure Food Company, New York and Chicago. Distributors. Guaranteed by Serv-us Pure Food Company under the Food and Drugs Act June 30, 1906. Serial No. 38251. * * * Net Weight 4 oz."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, water, had been mixed and packed with said oysters in such a manner as to reduce or lower the quality and strength thereof; and, further, that a substance, to wit, water, had been substituted in part for the article, to wit, oyster meat. Misbranding of the product was alleged for the reason that said retail packages were labeled and branded in such a manner as to represent that each of said retail packages, or cans, contained 4 ounces net weight of

oyster meat, whereas, in truth and in fact, each of said retail packages contained a much less quantity, to wit, 3.41 ounces of oyster meat, said retail packages being so labeled and branded as to deceive and mislead the purchaser thereof.

On February 12, 1914, the Tooker-O'Brien Co., St. Paul, Minn., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceeding and the execution of bond in the sum of $250 in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3247. Adulteration and misbranding of butter. U. S. v. John Nacos. Plea of guilty. Fine, $10. (F. & D. No. 196–c.)

On December 8, 1913, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed an information in the Police Court in the District aforesaid against John Nacos, Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, on October 23, 1913, at the District aforesaid, of a quantity of so-called butter which was adulterated and misbranded. The product bore no label. Adulteration of the product was alleged in the information for the reason that another substance, namely, oleomargarine, had been substituted for the butter in whole or in part. Misbranding was alleged for the reason that the product was an imitation of butter and was offered for sale and was sold under the distinctive name of another article of food.

On December 8, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3248. Adulteration and misbranding of butter. U. S. v. Charles G. Georgean. Plea of guilty. Fine, $10. (F. & D. No. 197–c.)

On November 24, 1913, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed an information in the Police Court in the District aforesaid against Charles G. Georgean, Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, on October 22, 1913, at the District aforesaid, of a quantity of so-called butter which was adulterated and misbranded. The product bore no label. Adulteration of the product was alleged in the information for the reason that another substance, namely, oleomargarine, had been substituted for the butter in whole or in part. Misbranding was alleged for the reason that the product was an imitation of butter and was offered for sale and was sold under the distinctive name of another article of food.

On November 24, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3249. Adulteration and misbranding of butter. U. S. v. William M. Burt. Plea of guilty. Fine, $10. (F. & D. No. 198–c.)

On December 3, 1913, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed an information in the Police Court in the District aforesaid against William M. Burt, Washington, D. C., alleging

the sale by said defendant, in violation of the Food and Drugs Act, on October 18, 1913, at the District aforesaid, of a quantity of so-called butter which was adulterated and misbranded. The product bore no label. Adulteration of the product was alleged in the information for the reason that another substance, namely oleomargarine, had been substituted for the butter in whole or in part. Misbranding was alleged for the reason that the product was an imitation of butter and was offered for sale and was sold under the distinctive name of another article of food.

On December 3, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3250. Adulteration and misbranding of tomato ketchup. U. S. v. 88 Cases of Tomato Ketchup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 199–c.)

On September 20, 1913, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Health Officer of said State, authorized by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel for the seizure and condemnation of 88 cases of tomato ketchup, 56 of which contained 2 dozen 9-ounce bottles and 32 of which contained 2 dozen 14-ounce bottles, remaining unsold in the original unbroken packages and in the possession of the Chestnutt Gibbons Grocery Co., Muskogee, Okla., alleging that the product had been shipped on November 20, 1912, and transported from the State of Pennsylvania into the State of Oklahoma, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled "Crubro Tomato Ketchup made from fresh ripe tomatoes, pure spices, granulated sugar, vinegar and salt, not artificially preserved or colored."

It was alleged in the libel that the product consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance; that it contained yeasts, spores, and bacilli in excessive amounts, which said yeasts, spores, and bacilli made the tomato ketchup impure, injurious, and deleterious to health. It was further alleged that the tomato ketchup contained an excessive amount of sand or other foreign element, not a proper ingredient of such a food. Misbranding of the product was alleged in the libel for the reason that the label on each and every bottle thereof was false and misleading by reason of the following statement, "Made from fresh ripe tomatoes, pure spices, granulated sugar, vinegar and salt," when, in truth and in fact, it was not made from fresh ripe tomatoes, but from tomatoes in pulp form, said pulp having been kept in cold storage by the Cruikshanks Bros. Co. for some time prior to its having been used as an ingredient in said ketchup.

On December 2, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, the court finding that the product had been manufactured and shipped by Cruikshanks Bros. Co., Pittsburgh, Pa., and it was ordered by the court that the product should be destroyed by the United States marshal and that the United States recover from said Cruikshanks Bros. Co. all the costs incurred in the action.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3251. Adulteration and misbranding of butter. U. S. v. Wesley L. Sadler. Plea of guilty. Fine, $10. (F. & D. No. 200–c.)

On December 12, 1913, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by

the Secretary of Agriculture, filed an information in the Police Court of the District aforesaid against Wesley L. Sadler, Manager, Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, at the District aforesaid, on November 10, 1913, of a quantity of so-called butter which was adulterated and misbranded. Adulteration of the product was alleged in the information for the reason that another substance, namely, oleomargarine, had been substituted for butter in whole or in part. Misbranding was alleged for the reason that the product was an imitation of butter and was offered for sale and was sold under the distinctive name of another article of food.

On December 12, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3252. Adulteration and misbranding of butter. U. S. v. Thomas Stathes. Plea of guilty. Fine, $10. (F. & D. No. 201–c.)

On December 12, 1913, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed an information in the Police Court in the District aforesaid against Thomas Stathes, Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, on October 31, 1913, at the District aforesaid, of a quantity of so-called butter which was adulterated and misbranded. The product bore no label. Adulteration of the product was alleged in the information for the reason that another substance, namely, oleomargarine, had been substituted for the butter in whole or in part. Misbranding was alleged for the reason that the product was an imitation of butter and was offered for sale and was sold under the distinctive name of another article of food.

On December 12, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3253. Adulteration and misbranding of butter. U. S. v. Charles B. Simmons. Plea of guilty. Fine, $10. (F. & D. No. 202–c.)

On December 12, 1913, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed an information in the Police Court in the District aforesaid against Charles B. Simmons, Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, on November 1, 1913, at the District aforesaid, of a quantity of so-called butter which was adulterated and misbranded. The product bore no label. Adulteration of the product was alleged in the information for the reason that another substance, namely, oleomargarine, had been substituted for the butter in whole or in part. Misbranding was alleged for the reason that the product was an imitation of butter and was offered for sale and was sold under the distinctive name of another article of food.

On December 12, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3254. Adulteration and misbranding of butter. U. S. v. Roy B. Snauffer. Plea of guilty. Fine, $10. (F. & D. No. 203–c.)

On December 15, 1913, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by

the Secretary of Agriculture, filed an information in the Police Court of the District aforesaid against Roy B. Snauffer, Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, on October 28, 1913, at the District aforesaid, of a quantity of so-called butter which was adulterated and misbranded. Adulteration of the product was alleged in the information for the reason that another substance, oleomargarine, had been substituted for butter in whole or in part. Misbranding was alleged for the reason that the product was an imitation of butter and was offered for sale and sold under the distinctive name of another article of food.

On December 15, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3255. Adulteration and misbranding of butter. U. S. v. George Zagos. Plea of guilty. Fine, $10. (F. & D. No. 204–c.)

On December 15, 1913, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed an information in the Police Court of the District aforesaid against George Zagos, Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, on October 30, 1913, at the District aforesaid, of a quantity of so-called butter which was adulterated and misbranded. Adulteration of the product was alleged in the information for the reason that another substance, oleomargarine, had been substituted for butter in whole or in part. Misbranding was alleged for the reason that the product was an imitation of butter and was offered for sale and sold under the distinctive name of another article of food.

On December 15, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3256. Adulteration of milk. U. S. v. Roberta L. Lynn. Plea of guilty. Released on personal bond. (F. & D. No. 205–c.)

On December 22, 1913, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Roberta L. Lynn, Washington, D. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, on November 22, 1913, from the State of Virginia to one John W. Gregg, of a quantity of milk which was adulterated. Adulteration of the product was alleged in the information for the reason that a substance, to wit, water, had been packed and mixed with it which reduced and lowered its quality.

On December 22, 1913, the defendant entered a plea of guilty to the information, and the court ordered her release on her personal bond.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3257. Adulteration of cream. U. S. v. J. Hickman Ganley. Plea of guilty. Fine, $5. (F. & D. No. 206–c.)

On January 2, 1914, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said district, authorized by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against J. Hickman Ganley, Boyds, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on December 12, 1913,

from the State of Maryland into the District of Columbia, of a quantity of cream which was adulterated. Adulteration of the product was alleged in the information for the reason that a valuable constituent of the article of food, to wit, butter fat, was left out and abstracted in whole and in part.

On January 2, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $5.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3258. Adulteration and misbranding of butter. U. S. v. Hugh Hanger. Plea of guilty. Fine, $10. (F. & D. No. 207–c.)

On December 31, 1913, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Hugh Hanger, Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, on November 26, 1913, at the District aforesaid, of a quantity of so-called butter which was adulterated, in that another substance, namely, oleomargarine, had been substituted for butter in whole and in part. Misbranding was alleged for the reason that the product was an imitation of butter and was offered for sale and was sold under the distinctive name of another article of food.

On December 31, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3259. Adulteration and misbranding of butter. U. S. v. Samuel Augenstein. Plea of guilty. Fine, $10. (F. & D. No. 208–c.)

On December 29, 1913, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Samuel Augenstein, Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, on November 15, 1913, at the District aforesaid, of a quantity of so-called butter which was adulterated, in that another substance, namely, oleomargarine, had been substituted for butter in whole and in part. Misbranding was alleged for the reason that the product was an imitation of butter and was offered for sale and was sold under the distinctive name of another article of food.

On December 29, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3260. Adulteration and misbranding of butter. U. S. v. Charles H. Fred and Bert H. Brockway. Plea of guilty for firm. Fine, $10. (F. & D. No. 209–c.)

On January 2, 1914, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Charles H. Fred and Bert H. Brockway, Washington, D. C., alleging the sale by said defendants, in violation of the Food and Drugs Act, on November 21, 1913, at the District aforesaid, of a quantity of so-called butter which was adulterated, in that another substance, namely, oleomargarine, had been substituted for butter in whole and in part. Misbranding

was alleged for the reason that the product was an imitation of butter and was offered for sale and was sold under the distinctive name of another article of food.

On January 2, 1914, the defendant Brockway entered a plea of guilty to the information on behalf of the firm, and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3261. Adulteration and misbranding of butter. U. S. v. George D. Lefas. Plea of guilty. Fine, $10. (F. & D. No. 210–c.)

On January 2, 1914, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against George D. Lefas, Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, on November 20, 1913, at the District aforesaid, of a quantity of so-called butter which was adulterated, in that another substance, namely, oleomargarine, had been substituted for butter in whole and in part. Misbranding was alleged for the reason that the product was an imitation of butter and was offered for sale and was sold under the distinctive name of another article of food.

On January 2, 1914, the defendant entered a plea of guilty, and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3262. Adulteration and misbranding of butter. U. S. v. William Assimack and George Lambros. Plea of guilty. Fine, $10. (F. & D. No. 211–c.)

On December 30, 1913, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against William Assimack and George Lambros, Washington, D. C., alleging the sale by said defendants, in violation of the Food and Drugs Act, on November 13, 1913, at the District aforesaid, of a quantity of so-called butter which was adulterated and misbranded. Adulteration of the product was alleged in the information for the reason that another substance, namely, oleomargarine, had been substituted for the butter in whole or in part. Misbranding was alleged for the reason that the product was an imitation of butter and was offered for sale and was sold under the distinctive name of another article of food.

On December 30, 1913, a plea of guilty to the information was entered on the above by the defendants, and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3263. Adulteration of milk. U. S. v. E. C. Williams. Plea of guilty. Fine, $10. (F. & D. No. 212–c.)

On January 5, 1914, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against E. C. Williams, Port Deposit, Md., alleging the shipment by said defendant, in violation of the Food and Drugs Act, on November 11 and 17, 1913, from the State of Maryland into the District of Columbia, of quantities of milk which was adulterated. Adulteration of the product was

alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed with said food so as to reduce and lower and injuriously affect its quality and strength.

On January 5, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3264. Adulteration of milk. U. S. v. John Foscato and Victor Facchina. Plea of guilty. Fine, $20. (F. & D. No. 213–c.)

On January 10, 1914, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against John Foscato and Victor Facchina, Franconia, Va., alleging the shipment by said defendants, in violation of the Food and Drugs Act, on December 17 and 18, 1913, from the State of Virginia into the District of Columbia, of quantities of certain articles of food which were adulterated. Adulteration of the product was alleged in the information for the reason that it had been mixed and packed with a substance, to wit, water, which reduced and lowered its quality and strength.

On January 10, 1914, a plea of guilty to the information was entered on the above by the defendants, and the court imposed a fine of $20.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3265. Adulteration and misbranding of cottonseed feed meal. U. S. v. 500 Sacks of Cottonseed Feed Meal. Product released on bond. (F. & D. No. 214–c.)

On January 2, 1914, the United States attorney for the Middle District of Alabama, acting upon a report by the Commissioner of Agriculture and Industries of the State of Alabama, authorized by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 sacks, each containing 100 pounds of cottonseed feed meal, remaining unsold in the original unbroken packages and in possession of the Louisville & Nashville Railroad Co. at Montgomery, Ala., alleging that the product had been shipped on December 6, 1913, by the Memphis Manufacturing Co., Memphis, Tenn., and transported from the State of Tennessee into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "100 Pounds Imperial Brand Cotton Seed Feed Meal for Stock Feed only Manufactured by Memphis Manufacturing Co., Memphis, Tenn. Mixture of Cotton Seed Meal and Hull Bran Guaranteed Analysis: Protein, 22%; Fat, .05% [5% (?)]; Fibre, 22%; Carbohydrates, 38%."

Misbranding of the product was alleged in the libel for the reason that it did not contain protein, 22 per cent; fat, .05 per cent [5 per cent (?)]; fiber, 22 per cent, but contained, to wit, only 19.69 per cent protein, 4.23 per cent fat, and 27.70 per cent fiber. It was further alleged in the libel that the product was adulterated and misbranded for the reason that it was largely deficient in the principal and valuable ingredients of animal food, in that it contained a smaller percentage of protein than it was branded to contain; that it contained a smaller percentage of fat than it was branded to contain, which two constituents of animal food are material and valuable, and that said cottonseed feed meal contained a larger percentage of fiber than it was branded to contain, which said constituent of animal food is not a valuable constituent of

animal food entering into the composition or manufacture of said cottonseed feed meal; and it was further alleged that said cottonseed feed meal was adulterated in that it contained a larger percentage of fiber than it was branded to contain and a smaller percentage of protein and fat than it was branded to contain.

On January 8, 1914, Charles E. Mitchell, claimant, having confessed the libel, it was ordered by the court that the product should be delivered to the claimant upon payment of the costs of the proceeding, bond having been executed and approved by said claimant in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3266. Adulteration of cream. U. S. v. David M. Pitts. Plea of guilty. Fine, $10. (F. & D. No. 216–c.)

On January 22, 1914, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against David M. Pitts, Manassas, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on December 12, 19, and 20, 1913, from the State of Virginia into the District of Columbia, of quantities of cream which was adulterated. Adulteration of the product was alleged in the information for the reason that a valuable constituent of the article of food, to wit, butter fat, was left out and abstracted in whole and in part.

On January 22, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3267. Adulteration of cream. U. S. v. John W. Humm. Plea of guilty. Fine, $10. (F. & D. No. 217–c.)

On February 13, 1914, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, filed in the Police Court of the District aforesaid an information against John W. Humm, Frederick, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on July 21 and 23, 1913, from the State of Maryland into the District of Columbia, of quantities of cream which was adulterated. Adulteration of the product was alleged in the information for the reason that a valuable constituent of the article of food, to wit, butter fat, was left out and abstracted in whole and in part.

On February 13, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3268. Adulteration and misbranding of butter. U. S. v. George Wen. Plea of guilty. Fine, $10. (F. & D. No. 218–c.)

On February 13, 1914, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, filed in the Police Court of the District aforesaid an information against George Wen, Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, on January 31, 1914, at the District aforesaid, of a quantity of so-called butter which was adulterated and misbranded. Adulteration of the product was alleged in the information for the reason that another sub-

stance, namely, oleomargarine, had been substituted for butter in whole and in part. Misbranding of the product was alleged for the reason that it was an imitation of butter and was offered for sale and sold under the distinctive name of another article of food.

On February 13, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3269. Adulteration of milk. U. S. v. Benjamin F. Zimmerman. Plea of guilty. Fine, $15. (F. & D. No. 219–c.)

On February 4, 1914, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, filed in the Police Court of the District aforesaid an information against Benjamin F. Zimmerman, Adamstown, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on January 10 and 13, 1914, from the State of Maryland into the District of Columbia, of quantities of milk which was adulterated. Adulteration of the product was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with it, which reduced and lowered its quality and strength.

On February 4, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $15.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3270. Adulteration and misbranding of cottonseed feed meal. U. S. v. 800 Sacks of Cottonseed Feed Meal. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 220–c, S. No. 2124.)

On February 17, 1914, the United States attorney for the Middle District of Alabama, acting upon a report by the State Commissioner of Agriculture and Industries of Alabama, authorized by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 800 sacks, each containing 100 pounds of cottonseed feed meal, remaining unsold in the original unbroken packages in the freight warehouse of the Louisville and Nashville Railroad Co. at Montgomery, Ala., alleging that the product had been shipped on December 31, 1913, by the Memphis Manufacturing Co., and transported from the State of Tennessee into the State of Alabama, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "100 Pounds. Imperial Brand Cotton Seed Feed Meal. For Stock Feed Only. Guaranteed Analysis: Protein 22%, Fat 05% [5% (?)], Fibre 22%. Manufactured by Memphis Manufacturing Co., Memphis, Tenn."

It was alleged in the libel that the product was adulterated and misbranded in that it was largely deficient in the principal and valuable ingredients of animal food, in this, to wit: That it contained a smaller percentage of protein than it was branded to contain; that it contained a smaller percentage of fat than it was branded to contain, which two constituents of animal food are material and valuable, and that said cottonseed feed meal contained a larger percentage of fiber than it was branded to contain, which said constituent of animal food is not a valuable constituent of animal food entering into the composition or manufacture of said cottonseed feed meal, and the same was adulterated in that it contained a larger percentage of fiber than it was branded to contain, and a smaller percentage of protein and fat than it was branded to

contain. It was further alleged in the libel that 400 sacks of the product were misbranded in that they did not contain protein, 22 per cent, fat, 05 per cent [5 per cent (?)], and fiber, 22 per cent, but that they did contain protein, 16.75 per cent, fat, 4.07 per cent, and fiber, 25.75 per cent, and that the balance of said cottonseed feed meal, to wit, 400 sacks or packages, were misbranded in that they did not contain protein, 22 per cent, fat, 05 per cent [5 per cent (?)], and fiber, 22 per cent, but that they contained, to wit, protein, 18.56 per cent, fat, 4.17 per cent, and fiber, 25.20 per cent.

On February 17, 1914, Chas. E. Mitchell, claimant, having intervened and confessed the libel, and it appearing to the court that the product was not of a poisonous or deleterious character, and was not adulterated, but was only misbranded in the matter of the correct percentage of the constituent elements thereof, and the claimant having executed bond in conformity with section 10 of the act, it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceeding.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3271. Adulteration and misbranding of wines. U. S. v. Sweet Valley Wine Co. Plea of nolo contendere. Fine, $1,500 and costs. (F. & D. Nos. 506, 510, 511, 512, 513, 3907, 4027, 4216, 4280, 4283, 4284, 4436, 4547, 4734, 4773, 4888, 5020, 5021, 5158, 5161. I. S. Nos. 11771, 11790, 11773, 11774, 11775, 3800–c, 17080–1–c, 15721–2–3–4–d, 14687–d, 15774–d, 16117–d, 20970–d, 12964–d, 19034–d, 16852–d, 18700–d, 2407–e, 2412–e, 36360–e, 36515–e.

At the June, 1909, term of the District Court of the United States within and for the Northern District of Ohio, the grand jurors of the United States within and for said district, acting upon reports by the Secretary of Agriculture, returned an indictment against the Sweet Valley Wine Co., a corporation, Sandusky, O., charging shipment by said company, in violation of the Food and Drugs Act:

(1) On or about August 28, 1907, from the State of Ohio into the State of Pennsylvania, of a quantity of so-called select Riesling wine which was misbranded. This product was labeled: "Select Riesling Wine, Special Vintage, Serial 124, Guar. — — — —."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	12.95
Solids (grams per 100 cc)	2.52
Non-sugar solids (grams per 100 cc)	2.12
Reducing sugar direct (grams per 100 cc)	0.40
Reducing sugar after inversion (grams per 100 cc)	0.40
Polarization, direct, 20° C. (°V.)	+3.5
Polarization, invert, 20° C. (°V.)	+3.5

Misbranding of the product was charged in the indictment for the reason that the package containing the article by its label hereinbefore copied and set forth was so labeled and branded as to deceive and mislead the purchaser in that said article was so labeled and branded as to cause the purchaser to believe that the package contained Riesling wine of a select quality, while the said article was a compound of wine and a fermented solution of commercial dextrose, otherwise known as starch sugar. Misbranding was charged for the further reason that said package containing the article and said label bore a statement hereinbefore copied and set forth regarding the ingredients and substances contained therein, which statement was false and misleading, in that

said label on said package contained a statement which would cause a person or persons reading the same to believe that said package contained Riesling wine of a select vintage, while said package contained a mixture or compound of wine and a fermented solution of commercial dextrose, otherwise known as starch sugar.

(2) On or about October 15, 1907, from the State of Ohio into the State of Pennsylvania, of a quantity of wine which was misbranded. This product was labeled: (On box) "Hochheimer Typo Wine." (On bottle) "Hochheimer Typo, Ohio Serial No. 124, Guaranteed under the Food and Drugs Act, June 30th, 1906."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Alcohol (per cent by volume)	12.65
Solids (grams per 100 cc)	2.58
Non-sugar solids (grams per 100 cc)	2.00
Reducing sugar direct (grams per 100 cc)	0.58
Reducing sugar after inversion (grams per 100 cc)	0.55
Polarization, direct, 20° C. (°V)	+3.4
Polarization, invert, 20° C. (°V.)	+3.5

Misbranding of the product was charged in the indictment for the reason that the article by its label hereinbefore copied and set forth was so labeled and branded as to deceive and mislead the purchaser, in that said package or article was so labeled as to cause the purchaser to believe that the package contained a Hochheimer wine, while said article so contained in said package was a mixture of a fermented solution of commercial dextrose, otherwise known as starch sugar, and wine, and said package containing the article had branded thereon designs and devices in the form of a picture representing a German village which, together with the shape and appearance of the bottle and the label hereinbefore referred to, conveyed to the purchaser the idea and represented to the purchaser that the product was manufactured in Germany at the town of Hochheimer [Hochheim] on the River Rhine, which locality had an established reputation for the manufacture of high grade Rhine wines known as Hochheimer wines, when in fact the said product was manufactured in the State of Ohio. Misbranding was charged for the further reason that the package containing the article and the said label bore a statement hereinbefore copied and set forth regarding the ingredients and substances contained therein, which statement was false and misleading, in that said label contained a statement which would cause a person or persons reading the same to believe that said package contained Hochheimer wine, while it contained in fact a mixture or [of] wine and a fermented solution of commercial dextrose, otherwise known as starch sugar, which was not Hochheimer wine, and said package containing the article had printed thereon designs and devices in the form of a picture representing a German village which, together with the shape and appearance of the bottle and the label hereinbefore referred to, led the purchaser to believe and misrepresented to the purchaser that the product was manufactured in the town of Hochheimer [Hochheim] on the River Rhine, which is a locality with an established reputation for the manufacture of a wine known as Hochheimer wine, when in fact the said product was manufactured in the State of Ohio.

(3) On or about October 1, 1911, from the State of Ohio into the State of Pennsylvania, of a quantity of wine which was misbranded. This product was labeled: "Typo Deidesheimer Wine. Ohio Serial No. 124, Guaranteed under the Food and Drugs Act, June 30th, 1906."

Analysis of a sample of the product by said Bureau of Chemistry showed the following results:

Alcohol (per cent by volume)	12.60
Solids (grams per 100 cc)	2.91
Non-sugar solids (grams per 100 cc)	2.31
Reducing sugar direct (grams per 100 cc)	0.60
Reducing sugar after inversion (grams per 100 cc)	0.62
Polarization, direct, 20° C. (°V.)	+3.5
Polarization, invert, 20° C. (°V.)	+3.3

Misbranding of this product was charged in the indictment for the reason that by said label hereinbefore copied and set forth said article was so labeled and branded as to deceive and mislead the purchaser, in that said package or article was so labeled as to cause the purchaser to believe that the package contained a Deidesheimer wine, while the said article so contained in the package was a mixture of a fermented solution of commercial dextrose, otherwise known as starch sugar, and wine, and said package containing the article had branded thereon designs and devices in the form of a picture representing a German village which, together with the shape and appearance of the bottle and the label hereinbefore referred to, conveyed to the purchaser the idea and represented to the purchaser that the product was manufactured in Germany at the town of Deidesheim on the River Rhine, which locality had an established reputation for the manufacture of high grade Rhine wines known as Deidesheimer wines, when in fact the said product was manufactured in the State of Ohio. Misbranding was charged for the further reason that said package containing the article and the said label bore a statement hereinbefore copied and set forth regarding the ingredients and substances contained therein, which statement was false and misleading, in that said label on the package contained a statement which would cause a person or persons reading the same to believe that the package contained Deidesheimer wine, while the package contained in fact a mixture of wine and a fermented solution of commercial dextrose, otherwise known as starch sugar, which was not Deidesheimer wine, and said package containing the article had printed thereon designs and devices in the form of a picture representing a German village which, together with the shape and appearance of the bottle and the label hereinbefore referred to, led the purchaser to believe and misrepresented to the purchaser that the product was manufactured in the town of Deidesheim on the River Rhine, which is a locality with an established reputation for the manufacture of a wine known as Deidesheimer wine, when in fact the said product was manufactured in the State of Ohio.

(4) On or about October 1, 1907, from the State of Ohio into the State of Pennsylvania, of a quantity of wine which was adulterated. This product was labeled: "Typo-Niersteiner Wine."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Alcohol (per cent by volume)	12.60
Solids (grams per 100 cc)	2.71
Non-sugar solids (grams per 100 cc)	2.10
Reducing sugar direct (grams per 100 cc)	0.61
Reducing sugar after inversion (grams per 100 cc)	0.59
Polarization, direct, 20° C. (°V.)	+3.4
Polarization, invert, 20° C. (°V.)	+3.5

Adulteration of the product was charged in the indictment for the reason that a substance, namely, commercial dextrose, otherwise known as starch

sugar, had been and was mixed with the juice of the grape so as to reduce, lower, and injuriously affect the quality and strength of the article known as Typo-Niersteiner wine, and for the further reason that a substance, namely, a mixture of wine and a fermented solution of commercial dextrose, otherwise known as starch sugar, had been substituted in part for the wine.

(5) On or about October 1, 1907, from the State of Ohio into the State of Pennsylvania, of a quantity of wine which was adulterated. This product was labeled: "Laubenheimer Type Wine, Guaranteed under the Food and Drugs Act of June 30th 1906, serial No. 124."

Analysis of a sample of the product by said Bureau of Chemistry showed the following results:

Alcohol (per cent by volume)	12.75
Solids (grams per 100 cc)	2.71
Non-sugar solids (grams per 100 cc)	2.30
Reducing sugar direct (grams per 100 cc)	0.41
Reducing sugar after inversion (grams per 100 cc)	0.39
Polarization, direct, 20° C. (°V.)	+2.9
Polarization, invert, 20° C. (°V.)	+2.9

Adulteration of the product was charged in the indictment for the reason that a substance, namely, a mixture of nomalycial [commercial(?)] dextrose, otherwise known as starch sugar, had been mixed with the juice of the grape so as to reduce, lower, and injuriously affect the quality and strength of the article known as Laubenheimer type wine, and for the further reason that a substance, namely, a mixture of wine and a fermented solution of commercial dextrose, otherwise known as starch sugar, had been substituted in part for the wine. It was further charged in the indictment that the product was an article composed of a mixture of the juice of the grape and a fermented solution of commercial dextrose, otherwise known as starch sugar, and was not a Laubenheimer wine.

Thereafter defendant company filed a demurrer to the indictment and a hearing on the same was had on September 20, 1910. On February 26, 1913, said demurrer was overruled, as will more fully appear from the following decision by the court (Killits, *J.*):

The defendant is indicted on four counts for misbranding under the act of June 30, 1906 [c. 3915, 34 Stat. 768 (U. S. Comp. St. Supp. 1911, p. 1354)], commonly called the pure food act.

Under the first count the defendant is charged with shipping an article of food branded as follows: "Select Riesling Wine, Special Vintage, Serial 124." It is charged that under section 8 of said act this article was misbranded so as to deceive and mislead the purchaser, in that it purported to be Riesling wine of select quality, whereas in fact it was a compound of wine and a fermented solution of commercial dextrose, otherwise known as starch sugar.

Under the second and third counts it was charged: That defendant's shipments purported to be Rhine wines of the character known as Hochheimer and Deidesheimer, respectively, whereas the article in each instance was merely an Ohio manufactured product, and a mixture of wine and a fermented solution of commercial dextrose. The character of alleged misbranding in the second count is typical of both the second and third counts. On the neck of the bottle was a label containing these words: "Hochheimer Typo, Ohio Serial No. 124, Guaranteed," etc. On the box containing the bottles were the words: "Hochheimer Typo Wine." That the bottle itself was in the design and form of the bottles containing genuine Hochheimer wine, and contained as part of the label a picture representing a German village.

As to the fourth count, the charge is simply that the defendant shipped wine bottled with a label designating the same as "Typo-Niersteiner Wine; Ohio Serial No. 124, Guaranteed," etc., whereas in fact the article therein contained was a mixture of wine or of grape juice and a fermented solution of fermented dextrose, otherwise known as starch sugar.

To these counts a demurrer has been interposed, on the grounds of: (1) The alleged unconstitutionality of the act; (2) that section 8 thereof, under which this prosecution is attempted, is void for want of definiteness in fixing legal standards for the various wines enumerated in said counts; (3) for a failure of the indictment to aver that wines alleged to have been shipped are not normally composed of a mixture of wine and commercial dextrose, and for failure to allege in either of said counts what ingredients or constituents go to compose the normal wines of the various kinds mentioned in said counts; (4) for a failure to allege that other explanatory statements did not appear on the labels which might inform the purchaser of the exact nature of said wines; (5) for a failure to allege that the various wines therein mentioned and shipped by defendant were foods within the meaning of the act of Congress; (6) that the alleged picture of a German village should be more particularly described, and that the allegation that the picture is a representation of a German village is a mere conclusion; (7) for failure to allege that wines designated as Hochheimer Typo Wine and Deidesheimer Typo Wine, respectively, are not identical with Hochheimer wines and Deidesheimer wines, respectively.

(1) The constitutionality of this act is so generally conceded and so well established that the demurrer on that ground has not been seriously pressed to our consideration, and will not be further entertained.

(2) Section 6 of the act says: "The term 'food,' as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound." Applying that language and the principle that, unless compelled otherwise, we must take words in an indictment at their ordinary and usual meaning, we find no merit in the contention that this indictment should aver that the wine in question was a food within the purview of the act.

(3) Nor will we spend much time in considering the other grounds of demurrer, save that which insists that section 8 of the act is void for not establishing a standard for the various wines enumerated in the counts of this indictment. The other grounds are not urged upon our consideration in argument, and doubtless have been abandoned; at any rate they do not appeal to us as having much force.

Respecting the second ground of the demurrer, the argument as stated in the brief of counsel is as follows: "Our second ground of demurrer goes to all the five counts of the indictment, and it is that the said act of Congress is void as applied to this particular case because it fails to fix standards for the various wines enumerated in said counts. We do not contend by this ground of demurrer that the said act of Congress is unconstitutional as applied to other cases, but what we maintain is that it is void for uncertainty and indefiniteness as applied to this case."

And to that point are cited a number of cases in which the proposition is urged that a penal act is void for uncertainty in which the offense depends, "not on any standard erected by the law which may be known in advance, but on one erected by a jury, and especially so as that standard must be as variable and uncertain as the views of the different juries may suggest, and as to which nothing can be known until after the commission of the crime." (Louisville & Nashville Rd. Co. *v.* Commonwealth, 99 Ky. 132, 35 S. W. 129, 33 L. R. A. 209, 59 A. M. St. Rep. 457.) This citation is typical of other authorities depended upon by counsel for defendant. They are cases in which the question of what is a just and reasonable rate or toll of compensation for the transportation of passengers or freight is left open to determination by the various tribunals before which the case comes by the statute which makes an undue charge an offense.

Again we say that the words used both in the statute and in this indictment must be given their ordinary and common meaning in the absence of something to demand a special definition. The word "wine" is, by general acceptance and standard definition, understood to mean the fermented juice of the undried grape. The contention of the defendant would make it practically impossible for Congress to pass an act to correct the evils at which this statute is aimed, for the reason that it would be necessary, not only to amplify the act with very particular and minute definitions of standards, but to be constantly amending it and supplementing it as new devices and compounds were placed upon the market. All that can be done, granting that Congress has the right to strike at the evils in question, is to pass a statute in general terms, using words of ordinary acceptance.

But we are referred to section 5796, General Code of Ohio, for a definition of the word "wine," and it is insisted that under the allegations of this indictment the defendant is within that definition. Perhaps we may grant that defendant is protected against the operation of the pure food act respecting misbranding if it complies with the law of Ohio defining what wine is, and that immunity may possibly favor defendant without reference to Food Inspection Decision 120 of the Department of Agriculture, respecting the labeling of Ohio and Missouri wines, but the trouble is that, accepting the description of the indictment as true, defendant's product is not within the terms of the Ohio Code definition, which reads: "The term 'wine' means the fermented juice of undried grapes. The addition of pure white or crystallized sugar to perfect the wine, or using ingredients necessary solely to clarify and refine it which are not injurious to health, shall not be adulterations. Such wines shall contain at least seventy-five per cent. of pure grape juice, and shall not contain artificial flavoring." (Sec. 5796, General Code of Ohio.)

Defendant's article of food alleged to be misbranded is not shown to be the fermented juice of undried grapes to which had been added "pure white or crystallized sugar" to perfect it, but it is described as wine ("the fermented juice of undried grapes") to which has been added "a fermented solution of commercial dextrose, otherwise known as starch sugar." It cannot be claimed seriously that there is no difference between adding to the fermented juice of undried grapes "pure white or crystallized sugar," which seems to mean sugar in its commercially dry state, and making a compound of pure wine and a fermented solution of commercial dextrose, or even a fermented solution of commercial sugar. The latter not only involves an additional element not found in the statute in the form of the water used for the solution, but brings into the compound that fermentation which may be peculiar to the dextrose or sugar solutions.

If we were forced to a construction of the Ohio statute, we see substance in the insistence that it provides only for cane or beet sugar of the accepted saccharine content as the perfecting addition rather than dextrose, which is not only but little over half the saccharine efficiency of sugar, bulk for bulk, but contains, in the commercial form at least, a large proportion of dextrin, which cannot be said to be in any sense an equivalent of sugar or within the scope of any reasonable construction of the Ohio statute. In view of the very prevalent impression, 20 years ago, when the act was passed, that glucose or dextrose was not altogether wholesome, a doubt which is not yet altogether dispelled, it is not likely that the legislature contemplated its use under the terms "pure white or crystallized sugar."

The demurrer is overruled, and defendant will plead to the indictment March 15th next.

The case based on the indictment above referred to was on January 10, 1914, ordered consolidated with another case against the said Sweet Valley Wine Co., the circumstances of which are as follows:

On August 27, 1913, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in 35 counts against said Sweet Valley Wine Co., alleging violations of the Food and Drugs Act by said company as follows:

(1) The shipment on or about September 21, 1910, from the State of Ohio into the State of Pennsylvania, of a quantity of cognac which was misbranded. The product was labeled: "Special Quality Wine Brandy Cognac Ohio Type The Sweet Valley Wine Co., Sandusky, Ohio." (Neck label) "Guaranteed under the Food and Drugs Act, June 30, 1906 Serial No. 124." (Back sticker) "A blend pure straight imported and domestic brandy." (Case label) "Fine Old Cognac Ohio Type Straight Brandy A. Mingonet et Cie. The Sweet Valley Wine Co., Distributors, Sandusky, Ohio."

Analysis of a sample of the product by said Bureau of Chemistry showed the following results:

Proof	85.7
Fusel oil (parts per 100,000, 100° proof)	112.5
Furfural (parts per 100,000, 100° proof)	1.2
Esters (parts per 100,000, 100° proof)	70.9

Aldehydes (parts per 100,000, 100° proof)	9.3
Solids (parts per 100,000, 100° proof)	0.46

Misbranding of the product was alleged in the information for the reason that the statements borne on the label as above set forth, to wit, "Cognac Ohio Type" and "Fine Old Cognac Ohio Type Straight Brandy A. Mingonet et Cie," were false and misleading in that they created and would create the impression that said product was a cognac produced in the District of Cognac, France, and that A. Mingonet et Cie were the manufacturers of said product, whereas the product was not a cognac, nor was the same produced in the District of Cognac, France, but it was of domestic manufacture and was not made by A. Mingonet et Cie. Misbranding was alleged for the further reason that the statements "Cognac Ohio Type" and "Fine Old Cognac Ohio Type Straight Brandy A. Mingonet et Cie," borne on the labels as above set forth, would mislead and deceive the purchaser into the belief that the said product was a cognac produced in the District of Cognac, France, and that the manufacturers of said product were A. Mingonet et Cie, whereas in fact said product was not a cognac and the said A. Mingonet et Cie was a fictitious name.

(2) The shipment on or about March 23, 1911, from the State of Ohio into the State of Arkansas, of a quantity of wine which was adulterated and misbranded. This product was labeled: "Special Queen of Lake Erie (picture of woman) (trade mark—coat of arms) Scuppernong Wine." (Strip label) "Guaranteed under the food and drugs Act, June 30th, 1906. Serial No. 124 (Bunch of grapes) Special." (Monogram on coat of arms on label).

Analysis of a sample of the product by said Bureau of Chemistry showed that it was not a Scuppernong wine, but that it was a fictitious product made up in part at least from base wines, with the addition of sugar and flavoring matter. Adulteration of the product was alleged in the information for the reason that an imitation Scuppernong wine prepared from sugar, water, flavor, and grapes other than Scuppernong grapes had been substituted in part for genuine Scuppernong wine, which said article purported to be.

Misbranding of the product was alleged for the reason that the statement, "Special Queen of Lake Erie Scuppernong Wine," borne on the label as hereinbefore set forth, was false and misleading in that it would mislead and deceive the purchaser of the product into the belief that said product was Scuppernong wine prepared from Scuppernong grapes, whereas the product was an imitation Scuppernong wine prepared in part from sugar, water, flavor, and grapes other than Scuppernong grapes. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Special Queen of Lake Erie Scuppernong Wine," thereby creating the impression that the product was a genuine Scuppernong wine and a wine prepared from Scuppernong grapes, whereas said product was an imitation Scuppernong wine prepared in part from grapes other than Scuppernong grapes.

(3) The sale on or about June 7, 1911, under a written guaranty and with the intent that the articles should be transported in interstate commerce, of quantities of grape juice which was adulterated in violation of the Food and Drugs Act, and which said products without having been changed in any particular were, on or about June 24, 1911, shipped by the purchaser thereof from the State of Ohio into the State of New York. The first brand of grape juice was labeled: "Lake Shore Brand Ohio Catawba Unfermented non-alcoholic Grape Juice Liebenthal Bros. & Co. Cleveland, Ohio. Preserved with sulphur dioxide (SO_2) being about .035 of one per cent due to the burning of sulphur in the storage casks. Vintage 1910." The second brand of grape juice was labeled: "Lake Shore Brand Ohio Concord Unfermented non-alcoholic Grape Juice Liebenthal Bros. & Co. Cleveland, Ohio. Guaranteed under the Food and Drugs Act June 30, 1906. Serial No. 124."

Analysis of a sample of the first brand by said Bureau of Chemistry showed the following results:

Reducing sugars as invert (per cent)	17.03
Polarization, direct, at 20° C. (°V.)	—5.4
Polarization, invert, at 20° C. (°V.)	—6.8
Ash (per cent)	0.23
Alcohol by volume (per cent)	0.15

Alcohol by qualitative test: Present.

Analysis of the second brand showed the following results:

Reducing sugars as invert (per cent)	11.25
Polarization, direct, at 20° C. (°V.)	—4.8
Polarization, invert, at 20° C. (°V.)	—5.6
Ash (per cent)	0.19
Alcohol by volume (per cent)	2.34

Alcohol by qualitative test: Present.

Adulteration of the products was alleged in the information for the reason that a substance, to wit, added sugar, which is not a normal ingredient of grape juice, had been substituted in part for the articles of food indicated and described upon the labels set forth above.

(4) The shipment on or about November 10, 1911, from the State of Ohio into the State of Illinois, of a quantity of wine which was adulterated and misbranded. This product was labeled: (On neck label) "Guaranteed not to be adulterated or misbranded within the meaning of the National Food Law, Special (Monogram trade mark)." (Principal label) "Special Queen of Lake Erie Ohio Scuppernong Wine. Bottled for Ettlinger Bros., Joliet, Ill. (Monogram trade mark)."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results, expressed in grams per 100 cc, except where otherwise noted:

Specific gravity (15.6°/15.6° C.)	1.0700
Alcohol (per cent by volume)	12.91
Total solids	22.51
Sugar-free solids	1.95
Reducing sugar	20.42
Sucrose (by copper)	0.14
Total acid as tartaric	0.634
Fixed acid as tartaric	0.416
Volatile acid as acetic	0.174
Total tartaric acid	0.144
Free tartaric acid	0.00
Cream of tartar	0.141
Tartaric acid to alkaline earths	0.030
Tannin and coloring matter	0.021
Polarization, direct, at 20° C. (°V.)	—5.7
Polarization, invert, at 20° C. (°V.)	—6.0
Ash	0.122
Alkalinity water soluble ash (cc N/10 acid per 100 cc)	7.5
Alkalinity water insoluble ash (cc N/10 acid per 100 cc)	6.2
Total phosphoric acid (P_2O_5)	0.0138
Chlorin (Cl)	0.0153
Potassium oxid (K_2O)	0.0377
Sodium oxid (Na_2O)	0.0101
Calcium oxid (CaO)	0.0100

Magnesium oxid (MgO)..... 0.0092
Sulphuric acid (SO_3)..... 0.0100

Adulteration of the product was alleged in the information for the reason that certain substances, to wit, pomace wine and wine made from grapes other than Scuppernong grapes, had been mixed and packed with the article in such a manner as to reduce and lower and injuriously affect its quality and strength, and for the further reason that certain substances, to wit, pomace wine and wine prepared from grapes other than Scuppernong grapes, had been substituted wholly or in part for Scuppernong wine, which the article purported to be. Misbranding of the product was alleged for the reason that the statement "Scuppernong Wine," borne on the label as hereinbefore set forth, was false and misleading in that it would mislead and deceive the purchaser into the belief that the product was Scuppernong wine, that is to say, wine prepared from Scuppernong grapes, whereas, in truth, the said product was a pomace wine and a wine made from grapes other than Scuppernong grapes and containing very little, if any, wine from the Scuppernong grape. Misbranding was alleged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser thereof, being labeled "Scuppernong Wine," thereby purporting that the product was a Scuppernong wine, that is to say, wine made from Scuppernong grapes, whereas, in truth, it was not Scuppernong wine, but a pomace wine made from grapes other than Scuppernong grapes.

(5) The shipment on or about December 5, 1911, from the State of Ohio into the State of Michigan, of four brands of wine which was adulterated and misbranded. The first brand was labeled: "A" "Ohio Catawba Wine. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial Number 124, Special." The second brand was labeled: "AA" "Ohio Catawba Wine Guaranteed under the Food and Drugs Act June 30, 1906. Serial Number 124. Special." The third brand was labeled: "AAA" "Ohio Catawba Wine Guaranteed under the Food and Drugs Act, June 30, 1906. Serial Number 124. Special." The fourth brand was labeled: "Special Ohio Catawba Wine Guaranteed under the Food and Drugs Act, June 30, 1906. Serial Number 124. Special."

Analysis of samples of these brands of wine by said Bureau of Chemistry showed the following results, expressed in grams per 100 cc, except where otherwise noted:

Determination.	Brand No. 1.	Brand No. 2.	Brand No. 3.	Brand No. 4.
Specific gravity (15.6°/15.6° C.)	0.9901	0.9927	0.9901	0.9932
Alcohol (per cent by volume)	13.07	13.30	13.02	10.65
Total solids	1.78	2.53	1.76	1.88
Sugar-free solids	1.60	2.24	1.58	1.81
Glycerol	0.702	0.719	0.687	0.576
Reducing sugar	0.175	0.287	0.179	0.073
Total acid as tartaric	0.533	0.630	0.529	0.668
Fixed acid as tartaric	0.388	0.496	0.381	0.539
Volatile acid as acetic	0.116	0.107	0.118	0.103
Lactic acid	0.098	0.149	0.092	0.248
Total tartaric acid	0.165	0.143	0.164	0.281
Free tartaric acid	0.021	0.0	0.021	0.042
Cream of tartar	0.067	0.113	0.067	0.143
Tartaric acid to alkaline earths	0.090	0.053	0.089	0.125
Tannin and coloring matter	0.019	0.017	0.017	0.034
Polarization, undiluted, 200 mm tube (° V.)	+0.5	+ 2.2	+ 0.5	0.0
Ash	0.146	0.251	0.148	0.141
Alkalinity water soluble ash (cc N/10 acid per 100 cc)	3.6	6.0	3.6	7.6
Alkalinity water insoluble ash (cc N/10 acid per 100 cc)	6.0	10.0	5.9	8.3
Total phosphoric acid (P_2O_5)	0.0136	0.006	0.0138	0.0051
Chlorin (Cl)	0.0168	0.0161	0.0154	0.0004
Sulphuric acid (SO_3)	0.0276	0.0501	0.0273	0.0176
Potassium oxid (K_2O)	0.0349	0.0570	0.0336	0.0650
Sodium oxid (Na_2O)	0.0050	0.0324	0.0047	0.0010
Calcium oxid (CaO)	0.0134	0.0240	0.0122	0.0132
Magnesium oxid (MgO)	0.0063	0.0098	0.0060	0.0149

Adulteration of these wines was alleged in the information for the reason that wine prepared in whole or in part from pomace had been mixed and packed with the product so as to reduce, and lower, and injuriously affect its quality and strength, and for the further reason that a certain substance, to wit, pomace wine, had been substituted wholly or in part for Catawba wine, which the articles purported to be. Misbranding was alleged for the reason that the statement on the labels hereinbefore set forth, to wit, "Catawba Wine," was false and misleading, in that it represented the articles to be genuine Catawba wines, whereas, in truth and in fact, the said articles were products prepared in whole or in part from pomace. Misbranding was alleged for the further reason that the wines were labeled and misbranded so as to deceive and mislead the purchaser into the belief that they were Catawba wines, whereas in fact the same were not genuine Catawba wines, but were wines prepared in whole or in part from pomace.

(6) The shipment on or about January 16, 1912, from the State of Ohio into the State of Michigan, of a quantity of wine which was adulterated and misbranded. This product was labeled: (Neck label) "Guaranteed not to be adulterated or misbranded within the meaning of the National Food Law. Special (Monogram Trade Mark)." (Principal label) "Special Queen of Lake Erie Ohio Scuppernong Wine (Monogram trade mark)."

Analysis of a sample of the product by said Bureau of Chemistry showed the following results, expressed in grams per 100 cc, except where otherwise noted:

Specific gravity (15.6°/15.6° C.)	1.0933
Alcohol (per cent by volume)	12.85
Total solids	28.65
Sugar-free solids	1.82
Reducing sugar	4.36
Sucrose (by copper)	22.47
Total acid as tartaric	0.450
Fixed acid as tartaric	0.291
Volatile acid as acetic	0.127
Total tartaric acid	0.100
Free tartaric acid	0.00
Cream of tartar	0.113
Tartaric acid to alkaline earths	0.010
Tannin and coloring matter	0.019
Polarization, at 20° C., direct (°V.)	+19.1
Polarization, at 20° C., invert (°V.)	—7.8
Ash	0.120
Alkalinity water soluble ash (cc N/10 acid per 100 cc)	6.0
Alkalinity water insoluble ash (cc N/10 acid per 100 cc)	6.5
Potassium oxid (K_2O)	0.0393
Sodium oxid (Na_2O)	0.0081
Chlorin (Cl)	0.0155

Adulteration of the product was alleged in the information for the reason that a substance, to wit, pomace wine, and wine prepared from grapes other than Scuppernong, had been mixed and packed therewith so as to reduce, and lower, and injuriously affect its quality and strength, and for the further reason that a substance, to wit, pomace wine, and wine from grapes other than Scuppernong grapes, had been substituted wholly or in part for Scuppernong wine, which the article purported to be. Misbranding of the product was alleged for the reason that the statement "Scuppernong Wine," borne on the

label as hereinbefore set forth, was false and misleading in that it would mislead and deceive the purchaser into the belief that said product was Scuppernong wine, that is to say, wine prepared from Scuppernong grapes, whereas in truth said product was a pomace wine and a wine made from grapes other than Scuppernong. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Scuppernong Wine," thereby purporting that it was Scuppernong wine, that is to say, wine prepared from Scuppernong grapes, whereas in fact it was a pomace wine, and wine made from grapes other than Scuppernong grapes, containing little, if any, wine from the Scuppernong grape.

(7) The shipment on or about January 22, 1912, from the State of Ohio into the State of Pennsylvania, of a quantity of wine which was adulterated and misbranded. This product was labeled: "Pleasant Ohio Refreshing Scuppernong Wine. Pleasant Refreshing. Special Scuppernong Ohio Wine. G. W. Meredith & Co., Pittsburgh, Pa."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Wine pours still; color, deep amber, brilliant in glass; aroma not characteristic of Scuppernong, resembles Catawba; flavor not characteristic of Scuppernong, has very pronounced Catawba flavor; appears to be made of base wine and glucose; very high in volatile acid; article is a fictitious wine made up from base wine sweetened and flavored to resemble Scuppernong.

Adulteration of the product was alleged in the information for the reason that an imitation Scuppernong wine, prepared in whole or in part from grape pomace, had been substituted wholly or in part for the genuine Scuppernong wine, which the article purported to be. Misbranding of the product was alleged for the reason that the statement "Scuppernong Wine," borne on the label thereof, was false and misleading, in that it would mislead and deceive the purchaser into the belief that the product was genuine Scuppernong wine, when, as a matter of fact, it was not such, but was an imitation of that product prepared in whole or in part from grape pomace. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Scuppernong Wine," thereby creating the impression that the product was a genuine Scuppernong wine, when, as a matter of fact, it was not such, but was an imitation Scuppernong wine prepared in whole or in part from grape pomace.

(8) The shipment on or about February 1, 1912, from the State of Ohio into the State of Indiana, of a quantity of wine which was adulterated and misbranded. This product was labeled: "Special Queen of Lake Erie Ohio Scuppernong Wine. Guaranteed not to be adulterated or misbranded within the meaning of the National Food Law. * * *"

Analysis of a sample of the product by said Bureau of Chemistry showed the following results, expressed in grams per 100 cc, except where otherwise noted:

Specific gravity (15.6°/15.6° C.)	1.0552
Alcohol (per cent by volume)	12.64
Total solids	18.56
Sugar-free solids	1.96
Reducing sugar	3.12
Sucrose (by copper)	13.48
Total sugar as invert	17.31
Total acid as tartaric	0.566
Fixed acid as tartaric	0.378
Volatile acid as acetic	0.150
Total tartaric acid	0.126

Free tartaric acid	0.00
Cream of tartar	0.139
Tartaric acid to alkaline earths	0.015
Tannin and coloring matter	0.015
Polarization, direct, at 20° C. (°V.)	+12.2
Polarization, invert, at 20° C. (°V.)	—4.7
Ash	0.155
Alkalinity water soluble ash (cc N/10 acid per 100 cc)	7.4
Alkalinity water insoluble ash (cc N/10 acid per 100 cc)	6.8
Potassium oxid (K_2O)	0.0293
Sodium oxid (Na_2O)	0.0185
Chlorin (Cl)	0.0232

Adulteration of the product was alleged in the information for the reason that a substance, to wit, pomace wine, a wine prepared from grapes other than Scuppernong grapes, had been mixed and packed therewith in such a manner as to reduce, and lower, and injuriously affect its quality and strength, and for the further reason that a substance, to wit, pomace wine, a wine prepared from grapes other than Scuppernong grapes, had been substituted wholly or in part for Scuppernong wine, which the article purported to be. Misbranding of the product was alleged for the reason that the statement "Scuppernong Wine," borne on the label, was false and misleading in that it would mislead and deceive the purchaser into the belief that the product was Scuppernong wine, or wine prepared from the Scuppernong grape, when, as a matter of fact, it was pomace wine, a wine prepared from grapes other than Scuppernong grapes, containing little, if any, Scuppernong wine. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Scuppernong Wine," thereby purporting that the article was Scuppernong wine, or wine prepared from Scuppernong grapes, when, as a matter of fact, it was pomace wine, or wine prepared from grapes other than Scuppernong grapes, and contained very little, if any, Scuppernong wine.

(9) The sale on or about February 23, 1912, under a written guaranty, and the delivery for shipment from the State of Ohio into the State of Indiana, of a quantity of wine intended by the defendant company to be transported in interstate commerce, which was adulterated and misbranded, and which said article without having been changed in any particular except that it was intended by the said defendant that the product should be bottled and labeled, by R. Kreuzberger Estate, Consignee, said labels having been supplied by the defendant company, was on or about March 16, 1912, shipped by said purchaser thereof from the State of Indiana into the State of Ohio, consigned to the Central Hotel, Toledo, Ohio, in violation of the Food and Drugs Act. This product was labeled: "Special Queen of Lake Erie Scuppernong Wine, bottled by R. Kreuzberger Estate, Logansport, Indiana. (Monogram) S.V.W. Co., Trade Mark."

Analysis of a sample of the product by said Bureau of Chemistry showed the following results, expressed in grams per 100 cc, except where otherwise noted:

Specific gravity (15.6°/15.6° C.)	1.0704
Alcohol (per cent by volume)	12.49
Total solids	22.51
Sugar-free solids	1.79
Reducing sugar	20.35
Sucrose (by copper)	0.37
Total acid as tartaric	0.653
Fixed acid as tartaric	0.371

Volatile acid as acetic	0.226
Total tartaric acid	0.122
Free tartaric acid	0.00
Cream of tartar	0.152
Tartaric acid to alkaline earths	0.00
Tannin and coloring matter	0.015
Polarization, direct, at 20° C. (°V.)	—5.2
Polarization, invert, at 20° C. (°V.)	—5.8
Polarization, invert, at 87° C. (°V.)	0.0
Ash	0.148
Alkalinity water soluble ash (cc N/10 acid per 100 cc)	9.6
Alkalinity water insoluble ash (cc N/10 acid per 100 cc)	6.0
Sodium oxid (Na_2O)	0.0114
Potassium oxid (K_2O)	0.0621
Chlorin (Cl)	0.0206

Adulteration of this product was alleged in the information for the reason that a substance, to wit, an imitation of Scuppernong wine prepared wholly or in part from grape pomace, had been substituted wholly or in part for the article, to wit, Scuppernong wine. Misbranding of the product was alleged in the information for the reason that the statement "Ohio Scuppernong Wine," as said product was billed and represented by defendant to said R. Kreuzberger Estate, and the statement "Special Queen of Lake Erie Ohio Scuppernong Wine," borne on the labels of the bottles in which said product was shipped by said R. Kreuzberger Estate to said Central Hotel in Toledo aforesaid, were false and misleading because, as a matter of fact, the product was not a genuine Scuppernong wine, but was an imitation of Scuppernong wine prepared in whole or in part from grape pomace and was offered for sale and sold under the distinctive name of Scuppernong wine.

(10) The shipment on or about April 9, 1912, from the State of Ohio into the State of Kentucky, of a quantity of wine which was adulterated and misbranded. This product was labeled: "Special Queen of Lake Erie Ohio Scuppernong Wine Bouquet - Delaware - Scuppernong Blend Ameliorated with Sugar (L. G.)."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results, expressed in grams per 100 cc. except where otherwise noted:

Specific gravity (15.6°/15.6° C.)	1.0677
Alcohol (per cent by volume)	12.27
Solids	21.73
Nonsugar solids	2.47
Sucrose (by copper)	0.41
Reducing sugar, invert	18.85
Polarization, direct, at 20° C. (°V.)	—5.2
Polarization, invert, at 20° C. (°V.)	—5.5
Polarization, invert, at 87° C. (°V.)	0.0
Ash	0.177
Alkalinity soluble ash (cc N/10 acid per 100 cc)	10.8
Alkalinity insoluble ash (cc N/10 acid per 100 cc)	8.8
Acid as tartaric	0.615
Total tartaric acid	0.123
Free tartaric acid	0.0
Cream of tartar	0.15
Tartaric acid to alkaline earths	0.0
Chlorin (Cl)	0.0141

Adulteration of the product was alleged in the information for the reason that substances, to wit, wine or wines other than Scuppernong, sweetened, flavored, and mixed in imitation of Scuppernong, had been substituted wholly or in part for the true Scuppernong wine, which the article purported to be. Misbranding of the product was alleged for the reason that the statement on the label thereof, "Scuppernong Wine," was false and misleading as it conveyed the impression that the product was true Scuppernong wine, whereas in fact said product was a wine or wines other than Scuppernong, sweetened, flavored, and mixed in imitation of that product, and for the further reason that the same was a mixture of wine or wines other than Scuppernong, sweetened, flavored, and mixed in imitation of true Scuppernong wine, and was offered for sale under the distinctive name of that article; and for the further reason that it was labeled and branded so as to deceive and mislead the purchaser into the belief that the same was a true Scuppernong wine, whereas, in fact, it was an imitation of that article prepared from wine or wines other than Scuppernong.

(11) The shipment on or about April 13, 1912, from the State of Ohio into the State of Indiana, of a quantity of wine which was adulterated and misbranded. This product was labeled: (Principal label) "Special Queen of Lake Erie Ohio Scuppernong Wine Bouquet Delaware Scuppernong Wine Ameliorated with sugar S.V.W.Co." (Neck label) "Guaranteed not to be adulterated or misbranded within the meaning of the National Food Law-Special-S.V.W.Co."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results, expressed in grams per 100 cc. except where otherwise noted:

Specific gravity (15.6°/15.6° C.)	1.0685
Alcohol (per cent by volume)	12.52
Total solids	22.02
Sugar-free solids	2.69
Reducing sugar	16.97
Sucrose (by copper)	2.36
Total sugar as invert	19.45
Total acid as tartaric	0.694
Fixed acid as tartaric	0.475
Volatile acid as acetic	0.175
Total tartaric acid	0.131
Free tartaric acid	0.00
Cream of tartar	0.164
Tartaric acid to alkaline earths	0.00
Tannin and coloring matter	0.014
Polarization, direct, at 20° C. (°V.)	—2.5
Polarization, invert, at 20° C. (°V.)	—6.0
Polarization, invert, at 87° C. (°V.)	0.0
Ash	0.174
Alkalinity water soluble ash (cc N/10 acid per 100 cc)	11.6
Alkalinity water insoluble ash (cc N/10 acid per 100 cc)	3.8
Sodium oxid (Na_2O)	0.0069
Potassium oxid (K_2O)	0.0731
Chlorin (Cl)	0.0121

Adulteration of the product was alleged in the information for the reason that a substance, to wit, an imitation Scuppernong wine, prepared in whole or in part from grape pomace, had been substituted wholly or in part for the genuine article, to wit, Scuppernong wine. Misbranding was alleged for the

reason that the statement "Scuppernong Wine," borne on the label, was false and misleading because it created the impression that the product was genuine Scuppernong wine, when, as a matter of fact, it was an imitation Scuppernong wine prepared in whole or in part from grape pomace, and for the further reason that it was labeled and branded so as to deceive and mislead the purchaser, being labeled "Scuppernong Wine," thereby purporting that the product was genuine Scuppernong wine, when, as a matter of fact, it was an imitation Scuppernong wine prepared in whole or in part from grape pomace.

(12) The shipment on or about April 20, 1912, from the State of Ohio into the State of Kentucky, of a quantity of wine which was adulterated and misbranded. This product was labeled: "Special Queen of Lake Erie Ohio Scuppernong Wine Bouquet-Delaware-Scuppernong Blend Ameliorated with Sugar. (L. G.)"

Analysis of a sample of the product by said Bureau of Chemistry showed the following results, expressed in grams per 100 cc, except where otherwise noted:

Specific gravity (15.6°/15.6° C.)	1.0679
Alcohol (per cent by volume)	12.25
Solids	21.78
Nonsugar solids	2.74
Sucrose (by copper)	0.0
Reducing sugar, invert	19.04
Polarization, direct, at 20° C. (°V.)	—5.5
Polarization, invert, at 20° C. (°V.)	—5.6
Polarization, invert, at 87° C. (°V.)	0.0
Ash	0.181
Alkalinity, soluble ash (cc N/10 acid per 100 cc)	12.0
Alkalinity, insoluble ash (cc N/10 acid per 100 cc)	8.0
Acids as tartaric	0.684
Total tartaric acid	0.122
Free tartaric acid	0.0
Cream of tartar	0.14
Tartaric acid to alkaline earths	0.0
Chlorin (Cl)	0.0110

Adulteration of the product was alleged in the information for the reason that substances, to wit, wine or wines other than Scuppernong, sweetened, flavored, and mixed in imitation of Scuppernong, had been substituted wholly or in part for the true Scuppernong wine which the article purported to be. Misbranding of the product was alleged in the information for the reason that the statement on the label thereof, "Scuppernong Wine," was false and misleading as it conveyed the impression that the product was true Scuppernong wine, whereas in fact it was a wine or wines other than Scuppernong, sweetened, flavored, and mixed in imitation of that product; and for the further reason that the same was a mixture of wine or wines other than Scuppernong, sweetened, flavored, and mixed in imitation of true Scuppernong wine, and was offered for sale under the distinctive name of that article; and for the further reason that it was labeled and branded so as to deceive and mislead the purchaser into the belief that the same was a true Scuppernong wine, whereas in fact it was an imitation of that article, prepared from wine or wines other than Scuppernong.

(13) The shipment on or about May 23, 1912, from the State of Ohio into the State of Michigan, of a quantity of wine which was adulterated and misbranded. This product was labeled: (Principal label) "Special Wine Belle of the Valley Scuppernong Bouquet Delaware and Scuppernong Blend Amelior-

ated with Sugar Solution Trade Mark." (Shoulder label) "Belle of the Valley."

Analysis of a sample of this product by said Bureau of Chemistry showed that it was not a Scuppernong wine; and further that it was not made from the pure juice of the grape. Adulteration of the product was alleged in the information for the reason that an imitation Scuppernong wine prepared in whole or in part from grape pomace and a fermented solution of sugar had been substituted wholly or in part for genuine Scuppernong wine, which the article purported to be. Misbranding of the product was alleged in the information for the reason that the statement, "Special Wine Belle of the Valley Scuppernong Bouquet," borne on the label, was false and misleading, because it would convey the impression that the product was genuine Scuppernong wine, whereas, in truth and in fact, it was not such, but was an imitation Scuppernong wine prepared in whole or in part from grape pomace and a fermented solution of sugar. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Special Wine Belle of the Valley Scuppernong Bouquet," thereby creating the impression that it was genuine Scuppernong wine, whereas, in truth and in fact, it was an imitation Scuppernong wine prepared in whole or in part from grape pomace and a fermented solution of sugar.

(14) The shipment on or about June 17, 1912, from the State of Ohio into the State of Minnesota, and on or about July 19, 1912, from the State of Ohio into the State of Michigan, of two brands of wine which was adulterated and misbranded. The shipment to Minnesota was labeled: (On one end of barrel) "Special Scuppernong Bouquet Delaware & Scuppernong Blend Ameliorated with Sugar Guaranteed by the Sweet Valley Wine Co., under the Food and Drugs Act, June 30, 1906." (Other end) "C. M. & St. P. St. Paul 70466–6–28–12." (Tacked on end) "Sweet Valley Wine Co., Sandusky, Ohio. For Deiderich Kennedy & Co., St. Paul, Minn."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Total acid, tartaric (grams per 100 cc)	0.630
Volatile acid (grams per 100 cc)	0.134
Fixed acid (grams per 100 cc)	0.462
Chlorin (grams per 100 cc)	0.0241

Same general characteristics as other Scuppernongs from this firm. Artificial product, in imitation of Scuppernong.

The shipment to Michigan was branded: (On neck) "Guaranteed not to be adulterated or misbranded within the meaning of the National Food Law. Special S. V. W. Co. Trade Mark." (Main label) "Special Wine Belle of the Valley Scuppernong Bouquet Delaware and Scuppernong Blend Ameliorated with sugar solution."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Total acid (grams per 100 cc)	0.618
Volatile acid, acetic (grams per 100 cc)	0.134
Fixed acid (grams per 100 cc)	0.450
Chlorin (grams per 100 cc)	0.0227

Same general characteristics as other Scuppernongs from this firm. Artificial product, in imitation of Scuppernong.

Adulteration of these products was alleged in the information for the reason that substances, to wit, wine or wines other than Scuppernong, sweetened, flavored, and prepared in imitation of Scuppernong wine, had been substi-

tuted wholly or in part for the genuine Scuppernong wine which the articles purported to be. Misbranding of the products was alleged for the reason that the statement on the labels thereof, "Scuppernong Bouquet," was false and misleading, as it conveyed the impression that the products were true Scuppernong wines, that is to say, wines made from Scuppernong grapes, whereas in fact the products were not true Scuppernong wines made from Scuppernong grapes, but an imitation of said product prepared from other than Scuppernong grapes. Misbranding was alleged for the further reason that the products were labeled and branded so as to deceive and mislead the purchaser into the belief that said products were true Scuppernong wines, whereas in fact the same were not true Scuppernong wines, but mixtures prepared from grapes other than Scuppernong, which had been artificially colored and flavored in imitation of true Scuppernong wines.

On January 10, 1914, the defendant company entered a plea of nolo contendere to the indictment returned by the grand jury and the information filed by the United States attorney, and the court imposed a fine of $1,500 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3272. Adulteration and misbranding of vinegar. U. S. v. 120 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 1509. S. No. 545.)

On May 19, 1910, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 120 barrels, purporting to contain fermented apple cider vinegar, remaining unsold in the original unbroken packages and in possession of the Leedom and Worrall Co., Butler, Pa., alleging that the product had been shipped on or about September 29, 1909, and November 23, 1909, by the Leroux Cider and Vinegar Co., West Toledo, Ohio, and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Premier Brand Fermented Apple Cider Vinegar Mfd. for The Leedom & Worrall Co. Butler, Pa."

It was alleged in the libel that the product was misbranded and an adulteration in violation of the Food and Drugs Act, and that it was not a pure cider vinegar, but that it consisted in whole or in part of a dilute solution of acetic acid or distilled vinegar and a product high in reducing sugars and foreign ash material, mixed and prepared in imitation of fermented apple cider vinegar.

On June 10, 1910, the said Leroux Cider and Vinegar Co., claimant, having admitted the allegations as regards misbranding and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceeding and the execution of bond in the sum of $500, in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3273. Adulteration and misbranding of Russian cantharides. U. S. v. R. Hillier's Son Co. Plea of guilty. Fine, $25. (F. & D. No. 1920. I. S. No. 15947-b.)

On June 26, 1912, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district an information against R. Hillier's Son Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on April 9, 1910, from the State of New York into the State of California, of a quantity of Russian cantharides, so-called, which was adulterated and misbranded. The product was labeled: "Powdered Russian Cantharides. Guaranteed by R. Hillier's Son Company."

Microscopic examination of a sample of the product by the Bureau of Chemistry of this department showed that the product contained a great amount of Chinese blistering beetles (*Mylabris cichorii*). Adulteration of the product was alleged in the information for the reason that said drug was sold under the professed standard for purity and strength of powdered Russian cantharides, whereas, in truth and in fact, the said drug fell below the said professed standard under which it was sold in strength and purity, and said drug was a mixture of Russian cantharides and Chinese blistering beetles, which said Chinese blistering beetles reduced the strength and purity of said drug. Misbranding of the product was alleged for the reason that the aforesaid label regarding said drug and the ingredients and substances contained therein was false and misleading in that said label would indicate that said drug consisted of powdered Russian cantharides, whereas, in truth and in fact, said drug consisted of a mixture of powdered Russian cantharides and Chinese blistering beetles.

On October 14, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3274. Adulteration and misbranding of cider. U. S. v. National Fruit Products Co. Plea of guilty. Fine, $25 and costs. (F. & D. No. 2241. I. S. No. 1880–c.)

On August 13, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Fruit Products Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on September 16, 1910, from the State of Tennessee into the State of Missouri, of a quantity of an article of food called "Apple Base Cider" which was adulterated and misbranded. The product was labeled: "Apple Base Cider—Guaranteed. The contents of this package, as originally filled, are guaranteed to be made from apples, fortified with sugar. (No distilled spirits, wine or fermented juice of grapes or other small fruits or alcoholic liquors being added.) Flavored with artificial flavor; colored with vegetable color, and contains $\frac{1}{10}$ of 1% benzoate of soda. Sweetened with artificial sweetening matter and conforms to the provisions of the Food and Drugs Act, as passed by Congress, June 30, 1906. We also guarantee the contents of this package, as originally filled, to be exempt from Internal Revenue Tax. National Fruit Products Co., Memphis, Tenn."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Solids (grams per 100 cc)	19.72
Reducing sugars after inversion (grams per 100 cc)	12.01
Non-sugar solids (grams per 100 cc)	7.71
Polarization, direct, 24° C. (°V.)	+23.8
Polarization, invert, 23° C. (°V.)	+23.9

Polarization, invert, 87° C. (°V.)	+23.1
Glucose (per cent)	14.2
Erythrodextrin test: Positive.	
Ash (grams per 100 cc)	0.23
Alkalinity of soluble ash (cc N/10 acid per 100 cc)	11.6
Total acidity as acetic (grams per 100)	0.417
Fixed acid as malic (grams per 100 cc)	0.248
Lead precipitate: Heavy.	
Color (degrees, ½ inch, brewer's scale)	1.5
Saccharin: Positive.	
Benzoic acid: Positive.	
Saccharin (grams per 100 cc)	0.02
Sodium benzoate (grams per 100 cc)	0.15
Alcohol (per cent by volume)	7.00

Adulteration of the product was alleged in the information for the reason that it was not apple cider nor apple base cider, but was an imitation cider made in part by the fermentation of impure starch sugar, containing a high amount of dextrin and being a highly alcoholic compound. Adulteration was alleged for the further reason that the product contained added phosphoric acid and fermentation of impure starch sugar and dextrin, which said substances had been added wholly or in part for apple cider or apple base cider so as to reduce, lower, and injuriously affect the quality of said article. Misbranding of the product was alleged for the further reason that it was prepared in large part from impure starch sugar, the presence of which was not declared upon the label; for the further reason that the label contained the following, "Fortified with sugar," whereas this statement was false and misleading, in that the same was not fortified with sugar but was prepared from, in part, a solution of impure starch sugar containing dextrin; for the further reason that said article was an alcoholic beverage containing approximately 7 per cent by volume of alcohol, the presence and amount of which was not stated on the label; and for the further reason that the label contained the statement, "Conforms to the provisions of the Food and Drugs Act, as passed by Congress June 30, 1906," whereas, in fact, said label did not conform to the requirements of said act, in that the product was both adulterated and misbranded.

On November 13, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of $25, with costs of $15.85. (When this case was reported for prosecution, no claim was made by this department that the product was misbranded, for the reason that the presence and amount of alcohol was not stated on the label thereof, or that it was adulterated for the reason that it contained added phosphoric acid.)

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3275. Adulteration and misbranding of macaroons. U. S. v. F. B. Washburn & Co. Tried to the court and a jury. Verdict of guilty. Pending on motion to set aside verdict and for a new trial. (F. & D. No. 2247. I. S. No. 1928–c.)

On March 30, 1911, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information, and on January 8, 1913, an amendment to the information, against F. B. Washburn & Co., a corporation, Brockton, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, on August 1, 1910, from the Commonwealth of Massachusetts into the State of Pennsylvania, of a quantity of so-called

macaroons which were adulterated. The product was labeled, in part: "I. X. L. Macaroons. Guaranteed under Food and Drug Act, June 30, 1906."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Benzoic acid: None.	
Salicylic acid: None.	
Polarization, direct, 20° C. (°V.)	+89.2
Polarization, invert, 20° C. (°V.)	+38.4
Polarization, invert, 87° C. (°V.)	+48
Iodin test for erythrodextrin: Positive.	
Sucrose (per cent)	38.29
Glucose (factor 163) (per cent)	29.44

Microscopical examination showed presence of oil, coconut, pulp and cornstarch.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, glucose, had been mixed and packed with said food so as to reduce, and lower, and injuriously affect its quality and strength. Misbranding of the product was alleged in the amendment to the information for the reason that the label on said food and its containers, and the package containing the same, bore a statement regarding said food which was false and misleading in certain particulars, that is to say, the statement in substance and effect following, "Macaroons," whereas, in truth and in fact, said food was not macaroons.

On January 10, 1913, the case having come on for trial before the court and a jury, after the submission of evidence and argument by counsel, the following charge was delivered to the jury by the court (Dodge, *J.*):

Mr. Foreman and Gentlemen: The Government charges against this defendant two offences under the pure food law. The first offence, as charged, was the offence of adulteration. Afterward an amendment was filed, and the other charge of misbranding added. You will be asked for a verdict on those two charges separately. You will be asked when you come in what your verdict is on the first count, charging adulteration—"Do you find the defendant guilty or not guilty on the first count?" That will mean adulteration. You will remember that the first count is the charge of adulteration; the second count is the charge of misbranding, and after you have given your verdict on the first count you will be asked, "How say you as to the second count? Is the defendant guilty or not guilty?" And that will be, Do you find him guilty or not of misbranding?

As long as the charges are presented in that order by the Government, I will deal with them in that order. I will say first as to both these charges that the burden is upon the Government to prove to you that the defendant is guilty beyond a reasonable doubt. You must find the evidence such as to satisfy your minds beyond a reasonable doubt of the defendants' guilt of the charge before you can find them guilty of either charge. You will consider the two charges separately, and you will ask yourselves whether or not you are satisfied beyond a reasonable doubt by the evidence you have listened to that the defendant is guilty of this charge, whichever it is that you are considering at the time. As you know, gentlemen, a reasonable doubt means such a doubt as reasonable men, making a proper exercise of their reason, allow to affect their decision upon the important affairs of their own lives. It does not mean a mere fanciful, imaginary, or frivolous doubt, of course. But if as to either of these charges the evidence leaves your minds still affected by a reasonable doubt as to the defendant's guilt, you are to give the defendant the benefit of that doubt.

Take now the charge of adulteration. Are you satisfied beyond a reasonable doubt that these so-called macaroons which the defendant admits having shipped in interstate commerce under the label which has been repeatedly read to you in this case, and in the container or box which you have seen, were adulterated in that a substance, to wit, glucose, had been mixed and packed

with them so as to reduce, or lower, or injuriously affect their quality or strength? That is the question for you on the charge of adulteration. Now, in considering that charge I think you may leave out the question whether they are properly called macaroons or not, and consider that they are macaroons notwithstanding that they have cocoanut in them. The Government has not charged that they are adulterated because a substance, to wit, cocoanut, has been mixed with them; it charges that they are adulterated because a substance, to wit, glucose, has been mixed with them so as to reduce, or lower, or injuriously affect their quality or strength. It is admitted that glucose was mixed with them, that glucose is an ingredient in them. Are you satisfied beyond a reasonable doubt that the admixture of glucose is such as to reduce, or lower, or injuriously affect their quality or strength?

Now, the Government's claim upon that question is this, that these so-called macaroons ought to be made of cocoanut, or almond, whichever it is, white of egg and sugar and nothing else, and that any admixture of glucose reduces, or lowers, or injuriously affects their quality or strength, and you have heard the Government's evidence on that question. According to the witnesses for the Government, these cakes should have been composed of almond, or cocoanut, and sugar and white of egg; there should not have been any glucose in them at all. On the other hand, you have heard the defendant's evidence, which tends to show that using glucose with the sugar not only does not reduce, or lower, or injuriously affect their quality or strength, but in some respects it improves it.

The Government's witnesses have told you that glucose is not as sweet as sugar; I don't understand that there is any dispute on that point; glucose is only three-fifths as sweet as sugar. The defendant's evidence is, however, that notwithstanding that fact there is such a compensating advantage over the loss in sweetness that on the whole it cannot be said that mixing glucose in the composition of these cakes reduces, or lowers, or injuriously affects their quality or strength.

Now, that is the problem for you under the charge of adulteration. Are you or not satisfied on the whole evidence, and satisfied beyond a reasonable doubt, that the admitted admixture of glucose in this case was such as to reduce, or lower, or injuriously affect their quality or strength? If you are, but not otherwise, your verdict will be "Guilty" on the charge of adulteration. If you are not, your verdict will be "Not guilty."

I pass now to the charge of misbranding. The defendant admits that he shipped these cakes, or whatever we call them, labeled as you have seen, in that container, and in interstate commerce. Now, they were misbranded, under the Food and Drugs Act, sometimes called the pure food law, if they were labeled so as to deceive or mislead the purchaser. If they were not labeled so as to deceive or mislead the purchaser, they were not misbranded within the meaning of the act. Has the Government convinced you beyond a reasonable doubt in this case that the label which you have seen here, taken in connection with the goods which it covered, deceived or misled the purchaser? That is the question under the charge of misbranding.

The Government claims, in the first place, that the purchaser was deceived or misled because the cakes in the box were not composed of almond, but of cocoanut. The Government further claims that the purchaser was deceived or misled by the label, because the cakes contained glucose instead of sugar. The Government's contention is that the label "Macaroons" means cakes composed not of cocoanut but of almonds, and cakes mixed with sugar and not with any glucose in them.

Mr. GARLAND. Will your Honor pardon me? The charge is misled in a certain particular, that is, that the article was not macaroons, and of course my argument was that the label would tend to mislead. My contention is that it is not necessary to prove that it did mislead anybody, but that it would have that tendency. That, I thought, was what the law meant.

The COURT. Don't you charge them with misbranding under the act?

Mr. GARLAND. Yes, sir.

The COURT. And is not the definition of the act of misbranding if it be labeled so as to deceive or mislead the purchaser?

Mr. GARLAND. So as to. I understood that meant, so as to have that tendency. Of course, we haven't proved here that it did in fact mislead anybody.

The COURT. There is no definite purchaser shown in this case, so when I say that you must prove that the label was such as to deceive or mislead the purchaser, I mean, of course, purchasers generally; isn't that correct?

Mr. GARLAND. It would have that tendency; when they buy the box they would expect to find something different in it from what in fact they find. That is our position.

The COURT. Does that differ from what I have instructed the jury?

Mr. GARLAND. I understood you to use it in the past tense, as though it was necessary that the Government show that in fact it had deceived or misled somebody.

The COURT. [To the jury] The Government must show beyond a reasonable doubt that the label was such as to deceive or mislead the purchaser. That, I think, must be a correct statement of the law. Now, gentlemen, you will consider the two respects in which it is contended by the Government that this label was such as to deceive or mislead the purchaser, and if you are satisfied beyond a reasonable doubt that the label was such as to deceive the purchaser in either or both those respects, you will find the defendant guilty, and unless you are so satisfied, you will find them not guilty.

Take the first claim, that "macaroon" means cakes made of almonds only. You have heard what the Government witnesses said about that. They were asked how they made macaroons, and they told you, and they said, some of them at least, that they did not know of any other kind of macaroons, or never heard of their being made in any other way. On the other hand, you have heard what the defendant's witnesses have said. You have heard what the books introduced in evidence by the Government witnesses, or, at least, some of them spoke of, the recipes that are contained in those books. It is contended by the defendant that there is more than one kind of macaroons, that cakes made of almonds are not the only kind of macaroons, that there are cocoanut macaroons, pecan macaroons, and I don't know how many other kinds besides.

Now, gentlemen, the question will be for you. You have heard the evidence on both sides. Are you satisfied beyond a reasonable doubt that "macaroon" means one kind of cake only and that composed of almonds, or are you not so satisfied? Are you inclined to agree, on the other hand, with the defendant's witnesses that there may be more than one kind of macaroons, and that one of those kinds may be composed of cocoanut?

You are there dealing, gentlemen, with a question of common acceptation, common understanding. This act, of course, was passed to apply in interstate commerce. It was passed to apply to the public of this country; and when for the purposes of a question like this under the act you are called upon to determine the meaning of a label, the meaning referred to, the meaning which you must determine, is that which is commonly accepted by the public. It would not do to say that the makers of macaroons or the dealers in macaroons have a meaning for the term and that that must be the meaning which you are to take. If you restrict it to dealers or makers, it must be a common acceptation by the public, including consumers, purchasers, as well. Now, when I instruct you, therefore, that you are to consider whether you are satisfied beyond a reasonable doubt that the word "macaroon" means this or that, you must understand that I mean, What does it mean in common acceptation in this country by the general public, not one class of the public only but the public generally? What is the commonly accepted meaning of the term? If a purchaser gets goods which are properly described by the label according to the commonly accepted meaning of the label, he is not cheated. If, however, he gets something palmed off on him under the label which is different from what the label means in common acceptation among the public, then he is cheated. Now, you are to say, dealing with the meaning of this term, what is its commonly accepted meaning? Well, gentlemen, if you find that according to the commonly accepted meaning the label of a "macaroon" means almond cakes only, if you are satisfied of that beyond a reasonable doubt, that, as I have told you, will require a verdict of "guilty." If, however, you are not so satisfied, the Government has another claim under this charge of misbranding. It says, whether cocoanut cakes can properly be described as macaroons or not, at any rate there was glucose instead of sugar in these cakes, and therefore they can not be macaroons according to the common understanding of the term. Upon that question, gentlemen, you must take the evidence on both sides. You have heard the Government evidence, the evidence of their chemists and of the makers of macaroons whom they have called. You have heard what is contained in the box produced by the Government experts. On the other hand, you have the defendant's evidence as to the practice of

manufacturers and dealers as to the length of time during which they have used glucose in the composition of macaroons, or of cocoanut macaroons at least, as to the advantages of using it, and you have heard the evidence tending to show that almond paste, of which I think nearly all the witnesses agree that macaroons when made of almonds are composed, often itself contains glucose. Now, you will take all that into consideration and say whether or not you are satisfied beyond a reasonable doubt that goods labeled "macaroons" are misbranded, according to the common acceptation of the term, if there is glucose in them instead of sugar. You must decide, gentlemen, from the evidence what is the meaning of the term "macaroons," commonly understood by the public in the United States, at the time of the commission of the alleged offense by the defendant, including dealers, consumers, and, in fact, all the public. If you find that the word "macaroon" means a small cake composed of ground almonds, sugar and whites of egg, then you will be justified in finding that the product shipped by the defendant was misbranded within the meaning of the Food and Drugs Act, if you find that the word "macaroon" means that and means nothing else. If you find, gentlemen, that the word "macaroon," as commonly understood in the United States by the public, means a small cake principally composed of ground almonds, sugar and whites of egg, you will be justified in finding that the label, "I–X–L Macaroons," used on the packages shipped by the defendant, would have a tendency to deceive or mislead a purchaser, and you will be justified in finding the defendant guilty under the count charging misbranding, if you find that the word "macaroons." as commonly understood, has that meaning and no other.

The mere fact, gentlemen, if you find it to be the case, that the defendant has used the label in question for a number of years and before the passage of the Food and Drugs Act would not legalize the use of such label if you find it to be misleading to a purchaser.

Now, gentlemen, I think that is all I have to say to you on the two questions which you are to pass on. The question of adulteration, as I have told you, turns on the question of the reducing, or lowering, or injuriously affecting the quality or strength of the goods. The question of misbranding turns on what you find to be the commonly accepted meaning of the word "macaroon." The question of wholesomeness or unwholesomeness does not enter into this case at all. Nobody claims here that glucose is unwholesome.

The question whether sugar or glucose costs the most does not enter into this case at all, except so far as you may be inclined to think that the question of expense affects the testimony of some witness or other in the case. If you think that the question of cheapness raises an interest on the part of any witness so as to be likely to affect his testimony which he gives you, of course you would be justified in taking that into account in deciding how far you believe his testimony.

Is there anything further that counsel desire to ask me? Are the officers ready? Now, gentlemen, you will retire and consider your verdict under these instructions I have given you, and I will send the exhibits and the papers to your room.

The jury thereupon retired and, after due deliberation, returned into court with its verdict of guilty on both counts of the information. On February 4, 1913, the defendant company filed its motion to set aside the verdict and for a new trial, and on April 7, 1913, its bill of exceptions was filed by consent of the United States attorney and presented to the court, and the case is now pending upon said motion and exceptions.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 10, 1914.*

3276. Adulteration and misbranding of lemon mixtures. U. S. v. The Schorndorfer & Eberhard Co. Plea of nolo contendere. No sentence imposed. (F. & D. Nos. 2328, 2348. I. S. Nos. 3619–c, 8455–c.)

On May 8, 1911, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Schorndorfer &

Eberhard Co., Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act:

(1) On or about March 30, 1910, from the State of Ohio into the State of Michigan, of a quantity of so-called lemon mixture. The product was labeled: "Schneider's Lemone Mixture. Oil Lemon 1.16 pr. ct., alcohol absolute 36.00 pr. ct., water 62.84 pr. ct. Put up expressly for The Schneider's Stores, Leading Grocers. The Schorndorfer & Eberhard Co., Mfgs., Cleveland, O."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Specific gravity (15.6°/15.6° C.) ---------- 0.9590
Alcohol (per cent by volume) ---------- 35.35
Methyl alcohol (per cent by volume): None.
Solids (grams per 100 cc) ---------- 0.11
Oil:
(a) By polarization: None.
(b) By precipitation: None.
Citral (per cent by weight) ---------- 0.05
Coal tar color: None.
Acid test for saffron: Doubtful.
Lemon peel color: Absent.
Turmeric: Doubtful.
Product colored with vegetable color of unknown origin.

Misbranding of the product was alleged in the information for the reason that the label on said article so designed and intended for food contained a statement that said article was a "Lemone Mixture" containing 1.16 per cent lemon oil, which said label, brand, and statement was false and misleading, in that it would deceive the purchaser into the belief that said article was a flavoring containing said amount of lemon oil, when, in truth and in fact, said product contained no lemon oil.

(2) On or about September 27, 1910, from the State of Ohio into the State of New York, of a quantity of lemon mixture which was adulterated and misbranded. This product was labeled: "Eclipse Lemon Mixture. Oil lemon 1.16% Alcohol Abs. 36.00% Water to make 100%. The Schorndorfer and Eberhard Co., Cleveland, Ohio."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Specific gravity (15.6°/15.6° C.) ---------- 0.9585
Alcohol (per cent by volume) ---------- 35.82
Methyl alcohol (per cent by volume): None.
Solids (grams per 100 cc) ---------- 0.126
Oil:
(a) By polarization: None.
(b) By precipitation: None.
Citral (per cent by weight) ---------- 0.05
Coal tar color: None.
Acid test for saffron: Negative.
Lemon peel color: None.
Turmeric: None.
Product colored with vegetable color of unknown origin.

Adulteration of the product was alleged in the information for the reason that it consisted of a highly diluted solution of alcohol, contained no lemon oil, and was so mixed, and packed, and colored as to reduce, lower, and injuriously affect the quality and strength of said product, and, further, said article so de-

signed and intended for food, as aforesaid, consisted of a compound of constituent substances other than lemon oil which had been in whole substituted for lemon oil in said product. Misbranding was alleged for the reason that the said article so designed and intended for food, as aforesaid, and so labeled and branded, as aforesaid, contained the statement on said label and brand that the article contained 1.16 per cent lemon oil, whereas, in truth and in fact, the said article and product contained no lemon oil.

On February 6, 1914, the defendant company entered a plea of nolo contendere to the information, and no sentence was imposed by the court.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3277. Adulteration and misbranding of cider. U. S. v. National Fruit Products Co. Plea of guilty. Fine, $25 and costs. (F. & D. No. 2449. I. S. Nos. 9424–c, 9425–c, 9426–c, 9427–c, 9428–c.)

On February 15, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Fruit Products Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 14, 1910, from the State of Tennessee into the State of Texas, of a quantity of different brands of so-called cider which was adulterated and misbranded. The first brand was labeled: "Apple Cider. Guarantee. The contents of this package, as originally filled, are guaranteed to be made from apple juice, fortified with sugar. (No distilled spirits, or fermented juice of grapes or other small fruits, or alcoholic liquors being added.) Contains 1/10 of 1% Benzoate of Soda; sweetened with artificial sweetening matter and conforms with the provisions of the Food and Drugs Act as passed by Congress of June 30, 1906. We also guarantee the contents of this package as originally filled to be exempt from Internal Revenue Tax. National Fruit Products Co., Memphis, Tenn."

Anaylsis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Specific gravity (20°C./4°C.)	1.0483
Alcohol (per cent by volume)	6.13
Solids (grams per 100 cc)	14.89
Sucrose: None.	
Reducing sugars (as dextrose) (grams per 100 cc)	9.80
Polarization, direct, at 22° C. (°V.)	+13.9
Polarization, invert, at 22° C. (°V.)	+14.0
Polarization, invert, at 87° C. (°V.)	+13.6
Ash (grams per 100 cc)	0.28
Alkalinity of soluble ash (cc N/10 acid per 100 cc)	17.5
Soluble P_2O_5 (mg per 100 cc)	5.1
Insoluble P_2O_5 (mg per 100 cc)	16.2
Volatile acid, as acetic (grams per 100 cc)	0.39
Fixed acid, as malic (grams per 100 cc)	0.23
Color (degrees, brewer's scale, 0.5 inch)	6.0
Coal tar color: None detected.	
Color (caramel): None detected.	
Sodium benzoate (approx.) (grams per 100 cc)	0.16
Saccharin: Present.	
Iodin test for erythrodextrin: Negative.	
Alcohol precipitate (grams per 100 cc)	1.78
Pentosans (grams per 100 cc)	0.268

Adulteration of the product was alleged in the information for the reason that it was not an apple cider but was a compound alcoholic beverage prepared in imitation of cider. Misbranding of the product was alleged for the reason that it was not a pure apple cider but an imitation cider, made in part of a fermented solution of impure starch sugar and containing a high amount of dextrin; for the further reason that the label thereon was calculated to deceive and mislead the purchaser or purchasers of the product, because said label conveyed and was calculated to convey the impression that the product was apple cider, when, in truth and in fact, it was not an apple cider; for the further reason that the label thereon contained the statement that said product contained $\frac{1}{10}$ of 1 per cent of benzoate of soda, when, in fact, it contained a larger amount or percentage of benzoate of soda than stated on said label; for the further reason that the label was calculated to deceive and mislead the purchaser or purchasers of said product into the belief that it was a nonintoxicating and nonalcoholic beverage, in that said label stated "Guaranteed to be made from apple juice, fortified with sugar. (No distilled spirits, wine, fermented juice of grapes or other small fruits or alcoholic liquors being added)," implying by inference that the product as aforesaid was nonalcoholic, when, in fact, it was an intoxicating beverage, containing approximately 6 per cent by volume of alcohol; and for the further reason that the label did not state that the product contained alcohol, or the amount thereof contained.

The remaining barrels of the product were labeled: "Apple Base Cider. Guarantee. The contents of this package, as originally filled, are guaranteed to be made from apples, fortified with sugar. (No distilled spirits, wine, fermented juice of grapes or other small fruits being added.) Flavored with artificial flavor; colored with vegetable color, and contains 1/10 of 1% Benzoate of Soda; sweetened with artificial sweetening matter and conforms to the provisions of the Food and Drugs Act, as passed by Congress June 30th, 1906. We also guarantee the contents of this package as originally filled to be exempt from Internal Revenue Tax. National Fruit Products Co., Memphis, Tenn."

Certain of the barrels labeled as last above stated had upon said label in large capital letters the words "Peach Flavor;" certain other of the labels on said barrels bore the words "Apricot Flavor;" and certain other labels bore the words "Dark Grape Flavor;" and certain of the other labels bore the words "Catawba Flavor." Analyses of samples of the foregoing products by said Bureau of Chemistry showed the following results:

Determination.	No. 1.	No. 2.	No. 3.	No. 4.
Specific gravity (20°/4° C.)	1.0744	1.0763	1.0752	1.0721
Alcohol (per cent by volume)	6.53	7.03	6.65	7.03
Solids (grams per 100 cc)	22.01	22.91	22.30	21.73
Sucrose	None.	None.	None.	None.
Reducing sugars (as dextrose) (grams per 100 cc)	14.19	14.47	14.04	14.31
Polarization, direct, at 22° C. (°V.)	+24.0	+25.5	+24.8	+23.9
Polarization, invert, at 22° C. (°V.)	+24.4	+25.7	+25.0	+24.0
Polarization, invert, at 87° C. (°V.)	+23.2	+25.0	+24.2	+23.4
Ash (grams per 100 cc)	0.26	0.24	0.27	0.19
Alkalinity of soluble ash (cc N/10 acid per 100 cc)	14.8	13.4	17.1	8.4
Soluble P_2O_5 (mg per 100 cc)	56.8	49.6	63.2	6.7
Insoluble P_2O_5 (mg per 100 cc)	34.0	32.2	33.1	17.2
Volatile acid, as acetic (grams per 100 cc)	0.26	0.17	0.26	0.20
Fixed acid, as malic (grams per 100 cc)	0.35	0.33	0.35	0.22
Color (degrees, brewer's scale, 0.5 inch)	24.0	32.0	65.0	13.5
Coal tar color	None detected.	None detected.	Present, behaves like Amaranth.	None detected.
Color (caramel)	Present.	Present.	Present.	Present.
Sodium benzoate (approximately) (grams per 100 cc)	0.16	0.14	0.19	0.12
Saccharin	Present.	Present.	Present.	Present.
Iodin test for erythrodextrin	Negative.	Negative.	Negative.	Negative.
Alcohol precipitate (grams per 100 cc)	3.74	4.42	3.16	2.65
Pentosans (grams per 100 cc)	0.293	0.166	0.276	0.230

Adulteration of the product which bore the words "Peach Flavor" was alleged in the information for the reason that it was not pure apple cider, nor pure apple base cider, but was an imitation cider, made in part by the fermentation of impure starch sugar containing a high amount of dextrin, and being a highly alcoholic compound; and for the further reason it contained added phosphoric acid, whereas the article purported to be and was so branded and labeled as to imply that it contained pure apple cider, or a product made from apple cider. It was alleged in the information that the product marked "Dark Grape Flavor" was adulterated in the following particular, in addition to those just above stated, in that a red dye had been added to said product for the purpose of giving it the red color of grapes. Misbranding of the products labeled and branded "Apple Base Cider" of the various flavors mentioned was alleged in the information for the reason that the labeling was calculated to cause the purchaser or purchasers thereof to be deceived and to believe the product to be apple base cider, or a product of apple juice, whereas, in truth and in fact, the same was not apple cider, nor a product of apple cider, but was a compound alcoholic liquor, made in part from ingredients not normal to apple cider and not normal to an article made from the juice of the apple, or from the apple; for the further reason that the amount of benzoate of soda contained in the product was stated by the labels thereon to be 1/10 of 1 per cent, when, in fact, there was contained in said product a larger amount of benzoate of soda than that stated upon said label; for the further reason that the product was labeled as aforesaid, conspicuously, "Peach Flavor, "Apricot Flavor," "Dark Grape Flavor," "Catawba Flavor," when, in fact, the flavor used was an imitation flavor which was not plainly indicated on said labels; for the further reason that said labels stated "Fortified with sugar," when, in fact, the product was not fortified with sugar but was prepared in whole or in part from commercial starch sugar containing a considerable amount of dextrin; for the further reason that said labels and brands upon the barrels were calculated to deceive and mislead the purchaser or purchasers of the product, in that the labels stated: "Guaranteed to be made from apples, fortified with sugar. (No distilled spirits, wine, fermented juice of grapes or other small fruits, or alcoholic liquors being added)," thus implying by inference that said product was nonalcoholic and nonintoxicating, when, in fact, it was an intoxicating alcoholic beverage containing various per cents by volume of alcohol, to wit, the product in the barrels marked "Apricot [Peach] Flavor" contained 6.53 per cent alcohol; that marked "Apricot Flavor" contained 7.03 per cent alcohol; that marked "Dark Grape Flavor" contained 6.65 per cent alcohol; and that marked "Catawba Flavor" contained 7.03 per cent alcohol; for the further reason that none of the labels on the barrels aforesaid contained a statement showing the presence or quantity of alcohol in said product; and for the further reason that the labels stated "Conforms to the provisions of the Food and Drugs Act as passed by Congress June 30, 1906," when, as a matter of fact, said labels did not conform to the provisions of said Food and Drugs Act, and said article of food did not conform to the provisions of said Food and Drugs Act, but was both adulterated and misbranded.

On November 13, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25 with costs of $16.25. When this case was reported for prosecution, no claim was made that the products were misbranded for the reason that the labels on the barrels did not contain a statement showing the presence or quantity of alcohol in the products.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3278. Misbranding of preserves. U. S. v. The Schorndorfer & Eberhard Co., alias The Miller-Eberhard Co. Plea of nolo contendere. Fine, $60 and costs. (F. & D. Nos. 2451, 2477, 2492. I. S. Nos. 3630–c, 3631–c, 3632–c, 11828–c, 11826–c, 11827–c.)

On August 11, 1911, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Schorndorfer & Eberhard Co., Cleveland, Ohio, named as defendant in the first count of the information, and against said company, alias The Miller-Eberhard Co., in counts 2 to 6, inclusive, in the information, alleging shipments by said company, in violation of the Food and Drugs Act:

(1) On or about September 27, 1910, from the State of Ohio into the State of Pennsylvania, of a quantity of so-called pure blackberry and apple preserves, which were misbranded. This product was labeled: "Famous Brand Pure Blackberry & Apple Preserves One tenth of one per cent of benzoate of soda The Schorndorfer & Eberhard Co., Cleveland, O." Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results: Total ash, 1.06 per cent; phosphoric acid, 0.45 per cent. Misbranding of the product was alleged in the information for the reason that it contained a substantial quantity, to wit, 45 per cent, of phosphoric acid, which said phosphoric acid was not a normal constituent of said food product, and the presence of which said phosphoric acid was not declared upon the label hereinbefore set forth. Misbranding was alleged for the further reason that the label was false and misleading in that it would deceive and mislead the purchaser into the belief that he was obtaining pure blackberry and apple preserves, whereas, in truth and in fact, the said food product contained in addition to blackberry and apple preserves a substantial quantity, to wit, 45 per cent, of phosphoric acid, which was not a normal constituent thereof and which was not declared on said label.

(2) On or about October 24, 1910, from the State of Ohio into the State of New York, of three brands of preserves which were misbranded. The first of these brands was labeled: "Artificially colored Famous Brand Pure Cherry & Apple Preserves One tenth of one per cent of benzoate of soda The Schorndorfer & Eberhard Co., Cleveland, O." Analysis of a sample of this product by said Bureau of Chemistry showed the following results: Solids, 61.24 per cent; ash, 0.83 per cent; phosphoric acid, 0.23 per cent. Misbranding was alleged in the information for the reason that this product so labeled as aforesaid contained substantially 23 per cent of phosphoric acid, which said phosphoric acid was not a normal constituent of said fruit product, and the presence of which said phosphoric acid was not declared upon the label hereinbefore set forth. Misbranding was alleged for the further reason that said label was false and misleading in that it would deceive and mislead the purchaser into the belief that he was obtaining pure cherry and apple preserves conforming to the commercial concept of the same, when, in truth and in fact, the said food product contained in addition to cherry and apple preserves substantially 23 per cent of phosphoric acid, which was not a normal constituent thereof, and the presence of which was not declared on said label, and did not conform to the commercial concept of the same.

The second brand was labeled: "Famous Brand Pure Pineapple & Apple Preserves One tenth of one per cent of benzoate of soda. The Schorndorfer & Eberhard Co. Cleveland, O." Analysis of a sample of this product by said Bureau of Chemistry showed the following results: Solids, 56.79 per cent; ash, 0.94 per cent; phosphoric acid, 0.24 per cent. Misbranding was alleged

in the information for the reason that this product so labeled as aforesaid contained substantially 0.24 per cent of phosphoric acid, which said phosphoric acid was not a normal constituent of said food product, and the presence of which said phosphoric acid was not declared upon the label hereinbefore set forth. Misbranding was alleged for the further reason that said label was false and misleading in that it would deceive and mislead the purchaser into the belief that he was obtaining pure pineapple and apple preserves, conforming to the commercial concept of the same, when, in truth and in fact, the said food product contained in addition to pineapple and apple preserves substantially 0.24 per cent of phosphoric acid, which was not a normal constituent thereof, and the presence of which was not declared on said label, and did not conform to the commercial concept of the same.

The third brand was labeled: "Artificially colored Famous Brand Pure Strawberry & Apple Preserves One tenth of one per cent of benzoate of soda The Schorndorfer & Eberhard Co. Cleveland, O." Analysis of a sample of this product by said Bureau of Chemistry showed the following results: Solids, 61.44 per cent; ash, 1.05 per cent; phosphoric acid, 0.24 per cent. Misbranding was alleged for the reason that this product so labeled as aforesaid contained substantially 0.24 per cent of phosphoric acid, which said phosphoric acid was not a normal constituent of said fruit product, and the presence of which said phosphoric acid was not declared upon the label hereinbefore set forth. Misbranding was alleged for the further reason that said label was false and misleading in that it would deceive and mislead the purchaser into the belief that he was obtaining pure strawberry and apple preserves conforming to the commercial concept of the same, when, in truth and in fact, the said fruit product contained in addition to strawberry and apple preserves substantially 0.24 per cent of phosphoric acid, which was not a normal constituent thereof, and the presence of which was not declared on said label, and did not conform to the commercial concept of the same.

(3) On or about September 27, 1910, from the State of Ohio into the State of Pennsylvania, of two brands of preserves which were adulterated. The first of these brands was labeled: "Famous Brand Pure Strawberry & Apple Preserves. One tenth of one per cent of benzoate of soda. The Schorndorfer & Eberhard Co. Cleveland, O." Analysis of a sample of this product by said Bureau of Chemistry showed the following results: Total ash, 2.88 per cent; phosphoric acid, 0.83 per cent; a coal tar color with reactions of Ponceau 3R. Misbranding was alleged in the information for the reason that this product so labeled as aforesaid contained substantially 0.83 per cent of phosphoric acid, which said phosphoric acid was not a normal constituent of said food product, and the presence of which phosphoric acid was not declared upon the label hereinbefore set forth. Misbranding was alleged for the further reason that said label was false and misleading, in that it would deceive and mislead a purchaser into the belief that he was obtaining pure strawberry and apple preserves conforming to the commercial concept of the same, when, in truth and in fact, the said food product contained in addition to strawberry and apple preserves substantially 0.83 per cent of phosphoric acid, which was not a normal constituent thereof, and the presence of which was not declared on said label and did not conform to the commercial concept of the same.

The second brand was labeled: "Famous Brand Pure Red Raspberry & Apple Preserves. One tenth of one per cent of benzoate of soda. The Schorndorfer & Eberhard Company, Cleveland, O." Analysis of a sample of this product by the said Bureau of Chemistry showed the following results: Total ash, 2.55 per cent; phosphoric acid, 0.64 per cent; a coal tar color with reac-

tions of Ponceau 3R. Misbranding was alleged in the information for the reason that the product so labeled as aforesaid contained substantially 0.64 per cent of phosphoric acid, which said phosphoric acid was not a normal constituent of said food product, and the presence of which said phosphoric acid was not declared upon the label hereinbefore set forth. Misbranding was alleged for the further reason that said label was false and misleading in that it would deceive and mislead a purchaser into the belief that he was obtaining pure red raspberry and apple preserves conforming to the commercial concept of the same, when, in truth and in fact, the said food product contained in addition to red raspberry and apple preserves substantially 0.64 per cent of phosphoric acid, which was not a normal constituent thereof, and the presence of which was not declared upon said label and did not conform to the commercial concept of the same.

On February 6, 1914, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $60 and costs. (While it was alleged in the information that one brand of the preserves contained 45 per cent and another 23 per cent of phosphoric acid, it will be noted that the analyses of these brands showed the presence of only 0.45 per cent and 0.23 per cent, respectively, of phosphoric acid.)

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3279. Adulteration of sardines. U. S. v. 800 Cases of Canned Sardines. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 2458. S. No. 862.)

On February 21, 1911, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 800 cases of canned sardines, remaining unsold in the original unbroken packages at Norfolk, Va., alleging that the product had been shipped on February 1, 1911, by L. D. Clark & Son, Eastport, Me., consigned to T. S. Southgate & Co., Norfolk, Va., and transported from the State of Maine into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Clark Brand American Sardines Largest sardine factory in the world Packed in cotton seed oil Packed at Eastport, Washn. Co. Maine by L. D. Clark & Son Serial No. 8061."

Adulteration of the product was alleged in the libel for the reason that the sardines were packed slack and dirty, and were packed with a foreign, injurious substance, and said sardines were filthy, decomposed, and putrid, and, therefore, unfit for human consumption.

On November 18, 1913, the said L. D. Clark & Son having consented thereto, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3280. Adulteration and misbranding of dried milk. U. S. v. 3 Barrels of Dried Milk. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 2529. S. No. 854.)

On March 20, 1911, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels of dried milk, remaining unsold in the original

unbroken packages at Norfolk, Va., alleging that the product had been shipped on January 4, 1911, by Wood & Selick, New York, N. Y., and transported from the State of New York into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Connecticut Pie Co. Norfolk, Va.—P. A. 1257 N. EE 76."

Adulteration of the product was alleged in the libel for the reason that it was sold to the consignee as pure dried milk, when, in truth and in fact, it was not pure dried milk, but a skimmed milk powder, a valuable constituent, namely, cream, being wholly abstracted therefrom. Misbranding of the product was alleged for the reason that it was an imitation of and was offered for sale under the name of another article, that is to say, it was offered for sale as "pure dried milk," when, as a matter of fact, the product was made from skimmed milk.

On November 12, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3281. Adulteration and misbranding of so-called olive or cottonseed oil. U. S. v. Vincenzo Marrone and Rocco Lofaro. Plea of guilty. Fine, $100. (F. & D. No. 2646. I. S. No. 2272–c.)

On February 20, 1912, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Vincenzo Marrone and Rocco Lofaro, Utica, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about October 3, 1910, from the State of New York into the State of Missouri, of a quantity of so-called olive oil or cottonseed oil which was adulterated and misbranded. The product was labeled: "Olio Puro Sopraffino Rafaele D'Angeli Lucca, Italy," "Cotton Seed Oil."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted of neither olive oil nor cottonseed oil. Adulteration of the product was alleged in the information for the reason that said words upon said label of food represented it to be pure olive oil or cottonseed oil, whereas, in truth and in fact, some other substance had been wholly or in part substituted for the said article of food as it was represented to be. Misbranding of the product was alleged for the reason that, whereas by the words written or printed upon said labels, attached to the cans, the said article of food was represented by defendants to be a product of foreign manufacture, in truth and in fact, the said article of food was not an article of foreign manufacture but was a product of local manufacture and was made and manufactured within the United States, and the said label by means of said misrepresentation was calculated and intended by the defendants to deceive and mislead the purchasers thereof. Misbranding was alleged for the further reason that, whereas by the said printed label the defendants represented the food to be pure olive oil or cottonseed oil, so-called, in truth and in fact, the said statement upon said label was false, fraudulent, and misleading, in that said article of food contained in the cans was not pure olive oil or cottonseed oil but was, in truth and in fact, an imitation thereof and consisted wholly or in part of corn or sunflower seed [oil (?)], and said label was false, misleading, and deceptive.

On April 3, 1912, pleas of guilty were entered by defendants, and the court imposed a fine of $100.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1914.*

3282. Adulteration and misbranding of tomato catsup. U. S. v. The Schorndorfer & Eberhard Co. Plea of nolo contendere. Fine, $20. (F. & D. No. 2710. I. S. No. 3777-c.)

On October 4, 1911, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Schorndorfer & Eberhard Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 3, 1910, from the State of Ohio into the State of Pennsylvania, of a quantity of tomato catsup, which was adulterated and misbranded. The product was labeled: "Famous Brand Tomato Catsup 1/10 of 1% Benzoate of Soda. Prepared by The Schorndorfer & Eberhard Co. Cleveland, O."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed yeasts and spores, 185 per 1/60 cm; bacteria, 100,000,000 per cc; mold filaments in 60 per cent of the fields; sodium benzoate, 0.18 per cent; no evidence of active spoilage when opened; it contained 2 molds in 1 cc of the catsup when developed on wort or dextrose agar. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, putrid, and decomposed substance. Misbranding was alleged for the reason that the label upon the article as above set forth was false and misleading and calculated to deceive the purchaser, in that said label stated that the article contained one-tenth of one per cent benzoate of soda, when in fact it contained more than one-tenth of one per cent benzoate of soda.

On February 6, 1914, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $20.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1914.*

3283. Adulteration and misbranding of cider. U. S. v. National Fruit Products Co. Plea of guilty. Fine, $25 and costs. (F. & D. No. 2721. I. S. No. 10472-c.)

On August 13, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Fruit Products Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 9, 1910, from the State of Tennessee into the State of Kentucky, of a quantity of cider which was adulterated and misbranded. The product was labeled: "Apple Base Cider. Guaranteed. The contents of this package as originally filled are guaranteed to be made from apples fortified with sugar. (No distilled spirits, wine, fermented juice of grapes or other small fruits or alcoholic liquors being added) Flavored with artificial flavoring; colored with vegetable color and contains 1/10 of 1% Benzoate of Soda. Sweetened with artificial sweetening matter, and conforms to the provisions of the Food and Drugs Act as passed by Congress of June 30, 1906. We also guarantee the contents of this package as originally filled to be exempt from Internal Revenue Tax. National Fruit Products Co., Memphis, Tenn." "Apple Base Cider. Guarantee. Made from apples fortified with sugar. Flavored with artificial

flavor; colored with vegetable color; 1/10 of 1% Benzoate of Soda. Sweetened with artificial sweetening matter. (Lab. guarantee) Apricot Flavor."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity (20°C./4°C.)	1.0536
Alcohol (per cent by volume)	6.92
Solids (grams per 100 cc)	16.59
Non-sugar solids (grams per 100 cc)	6.56
Sucrose (grams per 100 cc)	0.15
Reducing sugars (grams per 100 cc)	9.88
Polarization, direct, 20° C. (°V.)	+20.0
Polarization, invert, 20° C. (°V.)	+19.8
Polarization, invert, 87° C. (°V.)	+19.1
Ash (grams per 100 cc)	0.23
Alkalinity of water-soluble ash (cc N/10 acid per 100 cc)	11.8
Soluble P_2O_5 (mg per 100 cc)	42.1
Insoluble P_2O_5 (mg per 100 cc)	25.6
Volatile acid, as acetic (grams per 100 cc)	0.30
Fixed acid, as malic (grams per 100 cc)	0.23
Color (degrees, brewer's scale, 0.5 inch cell)	23.0
Sodium benzoate (approximately) (grams per 100 cc)	0.16

Saccharin: Present.
Iodin test for erythrodextrin: Positive.
Caramel (fuller's earth test): Present.
Coal tar color: None detected.

Adulteration of the product was alleged in the information for the reason that it was not apple cider nor apple base cider, but was an imitation cider, made in part by the fermentation of impure starch sugar containing a high amount of dextrin, and being a highly alcoholic compound, and for the further reason that it contained added phosphoric acid [and (?)] fermentation [products (?)] of impure starch sugar and dextrin, which said substances had been added wholly or in part for the article so as to reduce, lower, and injuriously affect the quality of said article. Misbranding of the product was alleged for the reason that the labeling and branding was calculated to cause the purchaser or purchasers of the article to be deceived and to believe that it was apple cider or apple base cider, whereas, in truth and in fact, the same was not apple cider or apple base cider, but was a compound alcoholic liquor made wholly or in part from ingredients not normal to apple cider or apple base cider; for the reason that the amount of benzoate of soda contained in the kegs or barrels was stated by said labels to be one-tenth of 1 per cent, when, in fact, there was contained in said product a larger amount of benzoate of soda than that stated upon the label; for the further reason that the product was labeled conspicuously "Apricot Flavor," when, in fact, the flavoring used was an imitation flavoring, which fact was not plainly indicated on the principal label; for the further reason that the label stated, "Fortified with sugar," when, in fact, it was not fortified with sugar, but was prepared wholly or in part from commercial starch sugar containing a considerable amount of dextrin; for the further reason that said labels or brands on the barrels or kegs were calculated to deceive and mislead the purchaser or purchasers of the contents, in that the label stated, "Guaranteed to be made from apples, fortified with sugar, (no distilled spirits, wine, fermented juice of grapes or other small fruits or alcoholic liquors being added)," thus implying by inference that the product was non-

alcoholic, when, in fact, it was an intoxicating alcoholic beverage, containing nearly 7 per cent by volume of alcohol; and for the further reason that none of the labels on the barrels aforesaid contained any statement of the presence or quantity of alcohol in said product.

On November 13, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25, with costs of $15.85.

When this case was reported for prosecution, no claim was made that the product was misbranded in that the labels on the barrels did not contain a statement of the presence or quantity of alcohol in said product.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3284. Adulteration of oysters. U. S. v. E. H. Hammond. Plea of guilty. Fine, $5. (F. & D. No. 2722. I. S. Nos. 17207–c, 17217–c.)

On January 22, 1914, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against E. H. Hammond, trading under the firm name and style of E. H. Hammond & Co., Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, on March 1 and March 3, 1911, at the District aforesaid, of a quantity of oysters which were adulterated.

Analysis of samples of the product by the Bureau of Chemistry of this department showed the following results: Sample No. 1 contained 5,000,000 bacteria per cc, of which number 1,000 were of the *B. coli* group; sample No. 2 contained 170,000 organisms per cc, with 10,000 *B. coli* per cc. Adulteration of the oysters was alleged in the information for the reason that they consisted in whole and in part of a filthy, decomposed, and putrid animal and vegetable substance.

On January 22, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $5.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3285. Adulteration of oysters. U. S. v. Rollie H. White. Plea of guilty. Fine, $5. (F. & D. No. 2798. I. S. Nos. 17202–c, 17214–c.)

On January 14, 1914, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against Rollie H. White, Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, on March 1 and 2, 1911, at the District aforesaid, of quantities of oysters which were adulterated. Examinations of samples of the products by the Bureau of Chemistry of this department showed that sample No. 1 contained 600,000 organisms per cc on plain agar, 1,000 being gas-producing organisms of the *B. coli* type; and that sample No. 2 contained 2,000,000 organisms per cc, 1,000 being gas-producing organisms of the *B. coli* type. Adulteration of the product was alleged in the information for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid animal and vegetable substance.

On January 14, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $5.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3286. Adulteration of oysters. U. S. v. Rollie H. White. Plea of guilty. Fine, $5. (F. & D. No. 2856. I. S. No. 18403–c.)

On January 14, 1914, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against Rollie H. White, Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, on April 4, 1911, at the District aforesaid, of a quantity of oysters which were adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Solids in oyster meat (per cent)	11.36
Loss on boiling (per cent)	72.4
Salt in oyster meat (per cent)	0.07
Salt in oyster liquor (per cent)	0.157

Adulteration of the product was alleged in the information for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid animal and vegetable substance. (In the report transmitting this case to the Attorney General for appropriate action, it was claimed by this department that the product was adulterated in that a substance, to wit, water, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength.)

On January 14, 1914, the defendant entered a plea of guilty to the information and the court imposed a fine of $5.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3287. Misbranding of confectionery. U. S. v. Candy Bros. Mfg. Co. Plea of guilty. Fine, $10 and costs. (F. & D. No. 2923. I. S. No. 12968–c.)

On February 29, 1912, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Candy Bros. Mfg. Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 8, 1911, from the State of Missouri into the State of Louisiana, of a quantity of confectionery which was misbranded. The product was labeled: "Mixed Fruit Tablets, Vegetable Colored, Apricot, Banana, Blood Orange, Chocolate, Lemon, Pineapple, Raspberry, Strawberry, Vanilla, and Wild Cherry. Serial No. 4133, Guaranteed by Candy Bros. Mfg. Co., under the Food and Drugs Act, June 30, 1906. Put up expressly for the finer retail trade by Candy Bros. Mfg. Co., St. Louis, Mo. * * *."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Sucrose, Clerget (per cent)	67.7
Reducing sugars as invert (per cent)	12.16
Commercial glucose (factor 163) (per cent)	23.3
Polarization, direct, at 23.7° C. (°V.)	+114.2
Polarization, invert, at 23.7° C. (°V.)	+25.6
Polarization, invert, at 87° C. (°V.)	+38.0
Ash (per cent)	0.21
Loose powder (principally magnesium carbonate) (per cent)	0.33
Arsenic: None.	
Weight (pounds)	4.056
Color: No coal tar dyes present.	

Esters, as ethyl acetate, strawberry (per cent)	0.071
Esters, as ethyl acetate, raspberry (per cent)	0.049
Esters, as ethyl acetate, banana (per cent)	0.047
Esters, as ethyl acetate, blood orange (per cent)	0.101
Esters, as ethyl acetate, wild cherry (per cent)	0.119
Esters, as ethyl acetate, pineapple (per cent)	0.097
Ether extract, chocolate (per cent)	0.56
Refractive index of ether extract at 40° C	1.4610

Misbranding of the product was alleged in the information for the reason that the label upon the jar containing the product was false and misleading, in that said product was flavored with imitation flavors and said product did not consist of and was not fruit tablets, and was further misbranded in that said label was false and misleading, because it would deceive and mislead the purchaser thereof into the belief that said product and candy contained in said jar or package was flavored with flavors derived from fruits, whereas, in truth and in fact, said product was not flavored with flavors derived from fruits, but, on the contrary thereof, was flavored with imitation flavors.

On December 31, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3288. Adulteration and misbranding of oil of cinnamon. U. S. v. Ungerer & Co. Plea of guilty. Sentence suspended. (F. & D. No. 3382. I. S. No. 3250-d.)

On October 28, 1912, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ungerer & Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on July 8, 1911, from the State of New York into the State of Michigan, of a quantity of oil of cinnamon which was adulterated and misbranded. The product was labeled: "Oil Cinnamon Ceylon—Jeancard Fils & Cie—Cannes, France, Ungerer & Co., New York."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity at 25° C	1.0049
Refractive index at 20° C	1.5481
Rotation 20° C. 100 mm (degrees)	—0.62
Cinnamic aldehyde (per cent)	33.5
Eugenol (by absorption) (per cent)	32.0

Insoluble in 5 volumes of 70 per cent alcohol.
Lead: Absent.
Resins: Slight trace.
Alcohol: Absent.
Color with ferric chlorid: Deep blue-green.

Not U. S. P. oil. Deficient in cinnamic aldehyde. Contains excessive amount of eugenol, derived probably from the addition of at least 30 per cent of cinnamon leaf oil.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, oil of cinnamon leaf, had been mixed and packed with said article so as to reduce and lower its quality and strength, and, further, in

that the said substance, oil of cinnamon leaf, had been substituted in whole and in part for the genuine oil of cinnamon.

Misbranding of the article was alleged for the reason that the package and label of said article bore a statement, to wit, "Oil Cinnamon Ceylon," which said statement regarding the ingredients and substances contained in the said package was false and misleading in that said statement, "Oil Cinnamon Ceylon," conveyed the impression that said article was genuine oil of cinnamon, conforming to the commercial standard for that article, when in fact the said article was a mixture of oil of cinnamon leaf and oil of cinnamon. Misbranding of the article was alleged for the further reason that it was labeled and branded as aforesaid so as to deceive and mislead the purchaser into the belief that it was genuine oil of cinnamon, whereas in fact it was a mixture of oil of cinnamon and oil of cinnamon leaf.

On October 14, 1913, the defendant company entered a plea of guilty to the information, and the court suspended sentence.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3289. Adulteration of oysters. U. S. v. Charles H. Weser. Defendant failed to respond to trial. Collateral of $10 forfeited. (F. & D. No. 3783. I. S. No. 18336–c.)

On June 6, 1913, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Charles H. Weser, Washington, D. C., alleging the sale by said defendant, on March 23, 1911, at the District aforesaid, in violation of the Food and Drugs Act, of a quantity of oysters which were adulterated.

Examination of a sample of the product by the Bureau of Chemistry of this department showed the following results: Of the 10 oysters examined, 10 showed *B. coli* present in 1 cc quantities of the shell liquor, 9 in 0.1 cc quantities, and 3 in 0.01 cc quantities. Isolated score, 140 points. Adulteration of the product was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal and vegetable substance.

On January 14, 1914, the case having come on for trial, the defendant failed to respond when his name was called, and the $10 collateral that had been deposited to insure his appearance was forfeited.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3290. Adulteration and misbranding of sugar butter. U. S. v. W. T. Bailey et al. (Marshalltown Syrup & Sugar Co.). Plea of guilty. Fine, $10 and costs. (F. & D. No. 3929. I. S. No. 9725–d.)

On May 20, 1913, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Marshalltown Syrup & Sugar Co., a partnership composed of W. T. Bailey, F. O. Bailey, and J. R. Bailey, Marshalltown, Ia., alleging shipment by said partnership, on or about May 20, 1911, from the State of Iowa into the State of Illinois, of a quantity of sugar butter which was adulterated and misbranded. It was also alleged in the information that on or about August 1, 1911, the consignee, without changing the product in any particular, reshipped a portion of the same from the State of Illinois into the State of Kentucky. The product was

labeled: "Dickinson's Brand for cake frosting, filling and icing. It is delicious on hot cakes or biscuit. Also spread on bread and butter. A mixture of cane and maple sugar and a substitute used to produce inversion of cane sugar. If syrup rises to top, stir thoroughly. Cane & Maple Sugar Butter. Packed by the Marshalltown Syrup & Sugar Co. Marshalltown, Ia."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent)	10.57
Total solids, by drying (per cent)	89.43
Sucrose, by Clerget (per cent)	54.97
Sucrose, by copper (per cent)	55.13
Reducing sugars, as invert before inversion (per cent)	28.59
Commercial glucose (factor 163) (per cent)	3.56
Polarization, direct, at 31° C. (°V.)	+53.9
Polarization, invert, at 31° C. (°V.)	−16.0
Polarization, invert, at 87° C. (°V.)	+ 5.8
Ash (per cent)	0.86
Ash soluble in water (per cent)	0.78
Ash insoluble in water (per cent)	0.08
Ratio of soluble to insoluble ash	10:1
Alkalinity of soluble ash (cc N/10 acid per 100 grams)	58.65
Alkalinity of insoluble ash (cc N/10 acid per 100 grams)	61.03
Lead precipitate (Winton number)	0.66

Glucose (Boettger test): Positive.
Glucose (iodin test): Negative.
Test for citric acid: Negative.
Test for tartaric acid: Negative.

Adulteration of the product was alleged in the libel for the reason that it was labeled "Cane and maple sugar butter," and another substance, to wit, "commercial glucose," had been substituted wholly or in part therefor. Misbranding was alleged for the reason that the following statement, to wit, "Cane and maple sugar butter," borne on the label thereof, was false and misleading because it would mislead and deceive the purchaser into the belief that the product was a sugar butter made wholly from cane and maple sugar, whereas, in truth and in fact, it contained commercial glucose, the statement "A mixture of cane and maple sugar and a substitute used to produce inversion of cane sugar," which also appeared on the label in small and inconspicuous type, not being sufficient to correct the false impression created by the statement "Cane and maple sugar butter." Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Cane and maple sugar butter," thereby purporting that it was a sugar butter made from cane and maple sugar, when, as a matter of fact, it contained commercial glucose, the statement "A mixture of cane and maple sugar and a substitute used to produce inversion of cane sugar," which also appeared on the label in small and inconspicuous type, not being sufficient to correct the false impression conveyed by the statement "Cane and maple sugar butter."

On November 25, 1913, a plea of guilty to the information was entered on behalf of the defendant firm, and the court imposed a fine of $10 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3291. Adulteration and misbranding of Scuppernong wine. U. S. v. 25 Cases of Scuppernong Wine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 3952. S. No. 1381.)

On May 13, 1912, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of so-called Scuppernong wine, remaining unsold in the original unbroken packages and in possession of C. H. Ritter & Co., Detroit, Mich., alleging that the product had been shipped on April 3, 1912, by the Sweet Valley Wine Co., Sandusky, Ohio, and transported from the State of Ohio into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Special Scuppernong Bouquet. 12 Bottles." (On bottles, neck label) "Guaranteed by the Sweet Valley Wine Company. Guaranteed not to be adulterated or misbranded within the meaning of the National Food Law. Special." (Principal label) "Special Queen of Lake Erie Ohio. Scuppernong Wine Bouquet. Delaware-Scuppernong Wine-Blend-Ameliorated."

It was also alleged in the libel that the product was adulterated in violation of section 7 of the Food and Drugs Act, and of paragraphs 1 and 2 under "Food" in said act, an examination of samples of the product by the Bureau of Chemistry of this department having revealed that the product was imitation Scuppernong wine, prepared wholly or in part from sugar, water, flavor, and grapes other than Scuppernong grapes. It was further alleged that the product was liable to condemnation and confiscable under the provisions of the Food and Drugs Act and of section 10 thereof, for the reason that the product by the label contained on the cases thereof was labeled and printed so as to deceive and mislead the purchaser thereof, and said product was adulterated in that a substitution had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and in that a substance had been substituted in part for the article, an analysis of the article disclosing the fact that said product was an imitation of Scuppernong wine, prepared wholly and in part from sugar, water, flavor, and grapes other than Scuppernong grapes, as aforesaid.

On October 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3292. Adulteration and misbranding of preserves. U. S. v. Jones Bros., Castleman & Blakemore (The Castleman-Blakemore Co.). Plea of guilty. Fine, $10. (F. & D. No. 3956. I. S. No. 13501–d.)

On September 13, 1912, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jones Bros., Castleman & Blakemore, a corporation, Louisville, Ky., the name of said corporation having on February 6, 1912, been changed under the laws of said State of Kentucky to the name of The Castleman-Blakemore Co., alleging shipment by said company, in violation of the Food and Drugs Act, on August 7, 1911, from the State of Kentucky into the State of West Virginia, of a quantity of preserves which was adulterated and misbranded. The product was labeled: (Principal label) "Bob White Brand Preserves Mixed with Corn Syrup Apple Jelly Put up by Jones Bros. Castleman & Blakemore incorporated.

Louisville, Ky. U. S. A." (Neck label) "Plum," the said word "Plum" being printed in large broad-faced capital letters of a white color, ¼ inch in height, upon a bluish background, and said words "Bob White" and "Preserves" being printed in large broad-faced capital letters of a white color, ⅜ inch in height, upon a bluish background, and said words "Mixed with corn syrup-apple jelly" being printed in hair line white capitals only $\frac{2}{16}$ inch in height upon a bluish background, and so printed thereon as not to be readily observed or seen by a person examining the same.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Solids, total (per cent)	72.73
Nonsugar solids (per cent)	33.76
Sucrose, by Clerget (per cent)	3.04
Reducing sugars as invert, total (per cent)	38.97
Commercial glucose (factor 163) (per cent)	64.05
Polarization, direct, at 22° C. (°V.)	+108.0
Polarization, invert, at 22° C. (°V.)	+104.0
Polarization, invert, at 87° C. (°V.)	+104.4
Ash, total (per cent)	0.55
Ash, soluble in water (per cent)	0.31
Ash, insoluble in water (per cent)	0.24
Alkalinity of soluble ash (cc N/10 acid per 100 grams)	30.0
Acids (cc N/10 alkali per 100 grams)	12.5
Soluble solids, refractometer (per cent)	72.4
Insoluble solids (per cent)	0.33
Preservative:	
Benzoic acid: Negative.	
Salicylic acid: Negative.	
Saccharin: Negative.	
Coal tar color: Negative.	
Phosphoric acid (per cent)	0.147

Adulteration of the product was alleged in the libel (information) for the reason that a substance, to wit, phosphoric acid, had been mixed and packed with the article of food so as to reduce and lower and injuriously affect its quality, and for the further reason that a substance, to wit, phosphoric acid, had been substituted in part for plum preserves in said article of food, and that said article of food had been mixed with phosphoric acid whereby its inferiority was concealed. Misbranding of the product was alleged for the reason that it was labeled as set forth above, which said statement as aforesaid, borne upon each of the packages and labels, was false and misleading, in that each of said packages and labels purported to state the ingredients contained therein, displayed in such a manner as to convey to persons examining the same the impression that all the ingredients contained therein were stated upon said packages and labels; and said neck label bearing the word "Plum" in much more conspicuous style than the words "Mixed with corn syrup-apple jelly" of the other labels was false and misleading in that it was displayed and in so conspicuous a manner as to convey to a person examining the same the impression that the contents of each of the packages, to wit, jars, were composed entirely of plums, whereas, in truth and in fact, the said article of food contained phosphoric acid which had been added thereto and which ingredient was not named or declared upon any label upon said packages, to wit, jars, and said food

product did not consist entirely of plums but consisted in whole or in part of plums, glucose, and apple jelly, with phosphoric acid added thereto; and said statement so as aforesaid borne on said packages and labels was false and misleading, in that each of said packages, to wit, jars, which bore said label and statement, was labeled and branded so as to deceive and mislead the purchasers thereof who might read the whole of said label into the belief that all of the ingredients of said article of food were stated in said label, and that said article of food was plum preserves prepared without any admixture of phosphoric acid, whereas, in truth and in fact, each of said packages, to wit, jars, contained an admixture of phosphoric acid, and there was no statement on any of said packages and labels declaring the presence of phosphoric acid in said article of food. It was further alleged in the information that said statement borne upon each of the packages and labels was false and misleading, for the reason that each of said packages and labels purported to state all the ingredients and substances contained in said packages, whereas, in truth and in fact, said labels did not state all the ingredients and substances contained in said article of food, and said article of food contained phosphoric acid, which had been added thereto, and which said ingredient was not named or declared upon any label upon said packages, or any of them.

On October 14, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3293. Adulteration of yellow egg shade coal tar color. U. S. v. E. V. Kohnstamm, et al. (H. Kohnstamm & Co.). Plea of guilty. Fine, $200 and costs. (F. & D. No. 3957. I. S. No. 12142–c.)

On September 5, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against E. V. Kohnstamm, M. V. Kohnstamm, E. G. Kohnstamm, J. Kohnstamm, L. Kohnstamm, and W. Longfelder, copartners, doing business as H. Kohnstamm & Co., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, on September 21, 1910, from the State of Illinois into the State of Missouri, of a quantity of so-called yellow egg shade coal tar color used as an ingredient in the preparation and manufacture of confectionery products. The product was labeled: "Atlas Colors for Confectioner's use H. Kohnstamm & Co. New York Chicago Yellow Color Egg Shade Coal Tar Color Guaranteed Harmless. We guarantee the contents of this package to contain no coloring matter other than of the 7 colors permitted (in uncertified form) in F. I. D. 76 * * *."

Analysis of samples of the product by the Bureau of Chemistry of this department showed the following results: Sample 1, arsenic as As_2O_3, parts per million, 18.2; sample 2, arsenic as As_2O_3, parts per million, 22.5.

Adulteration of the product was alleged in the information for the reason that it contained an ingredient deleterious and detrimental to health, to wit, arsenic, as arsenious oxid, and for the further reason that a certain foreign substance, arsenic, as arsenious oxid, had been mixed and packed with it in such a manner as to reduce and lower and injuriously affect its quality and strength.

On September 16, 1913, the defendants entered a plea of guilty to the information, and the court imposed a fine of $200 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3294. Adulteration and misbranding of salad dressing. U. S. v. The Schorndorfer & Eberhard Co., now The Miller-Eberhard Co. Plea of nolo contendere. Fine, $20 and costs. (F. & D. No. 3958. I. S. Nos. 3778–c, 15612–c.)

On August 1, 1913, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Schorndorfer & Eberhard Co., now The Miller-Eberhard Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 10, 1910, from the State of Ohio into the State of Pennsylvania, of a quantity of salad dressing which was adulterated and misbranded. The product was labeled: (Wrapper label) "Jersey (picture of cow's head) Cream Salad Dressing Trade Mark Never Separates Never Spoils Keep Wrapped Until Used A delicious dressing for lobsters * * * etc etc Made from ingredients pure, choice, and wholesome. The Jersey Cream Salad Dressing Always Remains Fresh And Ready For Use. Warranted not to separate, spoil, or become rancid. Schorndorfer & Eberhard—Cleveland, O. Keep bottle in cool place & wrapped until used." (Bottle label) "Pure (picture of cow's head) Best Trade Mark." "Jersey Cream (picture of cow's head) Trade Mark Salad Dressing Manuf'd by The Schorndorfer & Eberhard Co. Cleveland, O. A delicious dressing for lobsters, chicken, cold meats, tomatoes, lettuce, etc., etc. Ingredients Pure, Choice and Wholesome. 2768."

Analysis of samples of the product by the Bureau of Chemistry of this department showed the following results:

Determination.	Sample No. 1.	Sample No. 2.
Reichert-Meissl number of fat	7	7
Test for cottonseed oil	Negative.	Negative.
Refractive index oil at 15.5°	1.4705	1.4697
Sodium benzoate (per cent)	0.18	0.15
Turmeric	Present.	Present.
Saponification number	.....	196.6
Iodin number	.....	58.35
Test for butyrin	.....	Positive.
Fat (per cent)	.....	9.55
Lecithin P_2O_5 (per cent)	.....	0.052
Protein (per cent)	.....	5.16
Benzoic acid	.....	Present.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, benzoate of soda, had been substituted wholly or in part for the salad dressing which the article purported to be. Misbranding of the product was alleged for the reason that the statement on the label, to wit, "Salad Dressing," was false and misleading, as it conveyed the impression that the article consisted of salad dressing unmixed with an artificial preservative, whereas the same was a salad dressing mixed with a quantity of benzoate of soda, an artificial preservative. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser into the belief that the article was a salad dressing free from artificial preservatives, whereas, in fact, the same contained a quantity of benzoate of soda, an artificial preservative, the presence of which was not declared on the label.

On February 6, 1914, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $20 and costs.

B. T. Galloway. *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3295. Adulteration of oysters. U. S. v. Smith Sprague and George W. Doughty (Sprague & Doughty). Plea of nolo contendere. Sentence suspended. (F. & D. No. 3988. I. S. No. 2011–d.)

On July 15, 1912, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Smith Sprague and George W. Doughty, doing business as a copartnership under the firm name and style of Sprague & Doughty, Far Rockaway, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on October 12, 1911, from the State of New York into the State of Pennsylvania, of a quantity of oysters which were adulterated.

Bacteriological examination of a sample of the product by the Bureau of Chemistry of this department showed the following results: 10 out of 10 oysters showed the presence of gas-producing organisms in bile fermentation tubes after 2 days' incubation at 37° C. in 1 cc quantities; 8 out of 10 in 0.1 cc quantities; 3 out of 10 in 0.01 cc quantities. Score, 95 points.

The presence of *Bacillus typhosus* was also disclosed. Bacteria per cc, plain agar, after 2 days at 25° C., (sample 1) 1,000,000, (sample 2) 300,000; at 37° C., (sample 1) 750,000, (sample 2) 600,000.

Adulteration of the product was alleged in the information for the reason that it consisted in part of filthy, decomposed, and putrid animal and vegetable substance.

On October 7, 1912, the defendants withdrew their plea of not guilty theretofore entered and filed a motion to quash the information, and on July 22, 1913, demurrer to the information was filed by order of the court, *nunc pro tunc*, as of November 4, 1912, and on said date last mentioned argument was had on the motion to quash. On July 31, 1913, the demurrer to the information was overruled and the motion to quash denied, as will more fully appear from the following decision by the court (Chatfield, *J.*):

The defendants have been brought into court upon an information filed under act June 30, 1906, c. 3915, 34 Stats. 768 (U. S. Comp. St. Supp. 1911, p. 1354), known as the Pure Food and Drugs Act. The precise charge is that the defendants, as copartners, shipped from Far Rockaway, N. Y., to the State of Pennsylvania, 10 barrels of oysters, upon the 12th day of October, 1911; that the oysters were "adulterated" in that they "consisted in part of filthy, decomposed, and putrid animal and vegetable substance," and that the oysters were an article of food, as distinguished from drugs, etc. The information is sufficient in its general form. The defendants have appeared in court, and interposed a motion to quash the information upon three grounds: (1) That the information does not charge the defendants with knowingly and willfully doing any of the things mentioned; (2) That the law above referred to does not cover, and was not intended to cover the shipment of oysters, and that a shipment of unopened oysters, in their natural condition, after removal from the water, is not within the language or intent of the sections relating to adulteration; (3) That the papers upon which the information was issued, and which are filed with the information, do not show the oysters to have been, in whole or in part, of a filthy, decomposed, or putrid animal or vegetable substance. The defendants have also interposed a demurrer upon the same grounds above mentioned, alleging that the information does not state facts sufficient to constitute a crime.

It is apparent that some of these questions would be raised properly by demurrer rather than by motion to quash (for the alleged defects are claimed upon the allegations of the information, and argument thereon is based upon its language). The question with respect to the scope of the act, and the motion based upon the physical composition or analysis of the substance in question, can be raised by the motions. In support of the motion to quash, the defendants have relied upon facts which are matters of common knowledge and admitted by the United States attorney, to the effect that the oysters in question were unopened when taken from the waters of a bay in this district by the shippers, and without any treatment or manufacture, except that of gath-

ering or packing for shipment, were transmitted in a living state. This presupposes that the muscular structure of the oyster has kept the shell closed, and that nothing has been added thereto, or could have been added thereto, except through the application of liquid. It is alleged and admitted that no liquid has been supplied beyond the ordinary water upon or in which the oysters live. In addition, the motion is based upon the allegations of the information that the adulteration complained of consists of bacteria, particularly the *Bacillus typhosus* and other animal and vegetable bacilli, which were admittedly absorbed by the live oyster during its process of growth; that is to say, from the liquid which it consumed in its natural functions. The court will not attempt to differentiate between the points raised by demurrer and those raised upon the motion to quash, other than to state them as they are taken up in order.

(1) As to the objection that the oysters did not consist in whole or in part of filthy, decomposed, or putrefied animal or vegetable substance, no argument would be needed, if living bacilli had been knowingly introduced into an oyster by the defendants, and allowed to reproduce therein. It seems hardly open to argument that the words "filthy, decomposed, and putrefied" would be applicable to certain conditions resulting from the presence of living organisms; and in fact, from common knowledge of the present state of scientific research, the conditions of animal substance known as "filthy, decomposed, and putrefied" are caused by the presence of such living organism. When we consider a specific bacillus such as that named, whether or not its presence might cause decomposition or putrefaction raises a question of fact that cannot be disposed of upon this motion, for the degree of decomposition of tissue might be so slight as to render the use of those words inapplicable, from the standpoint of a substance intended for food. But the language used in the statute is in the alternative, and in the information the words "filthy, decomposed, and putrid" are stated in conjunction. A substance containing bacilli liable to cause disease, to such an extent as to make it dangerous for food purposes, is certainly "filthy," under the meaning of that word as generally used, and especially since the result of investigation has shown that filth or dirtiness is dangerous through the germs which it contains, and not solely because of offense to the senses.

(2) The statute prohibits the *manufacture* of any article of food or drugs which is "adulterated or misbranded," and by section 7, subd. 6, the definition of the word "adulteration," for the purposes of the statute, is made to cover a substance consisting in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not. It may be assumed that oysters, while belonging to the animal kingdom, would not be classified as animals. But even if they be treated as fish or mollusk, and assuming that the words "whether manufactured or not" relate only to the clause as to the "portion of an animal unfit for food," the indication is that the certain intent of Congress was to give full meaning to the definition of "adulteration" defined as "consisting in whole or in part of a filthy substance." The ordinary use of "adulteration" implies an actual addition to the original substance, through human agency. But the word as used in the section does not restrict this to addition by the hand of man, and if the adulteration of filthy, decomposed, or putrid substance has been added by nature, and is contained in the article to be shipped, it is adulterated in the eyes of the law.

(3) This brings us to the principal question in the case. The statute makes it unlawful to manufacture any article of food or drug which is adulterated or misbranded within the meaning of this act. If a person, through his servants, makes an article which is in fact adulterated, he is liable for the manufacture, within the jurisdiction of the act of Congress, even though he does not know that the Pure Food and Drugs Law is on the statute book, and does not know that the resultant condition of his process of manufacture has produced a substance which on analysis appears to be adulterated through containing decomposed animal matter. In the same way, he would be liable for a misbranding if the methods employed in his business caused the sending out of goods in violation of the statute. The law further makes any article of food or drugs which is adulterated or misbranded, within the meaning of the act, contraband; that is, the introduction of them into another State or Territory is prohibited. Such goods can not be transmitted by interstate commerce with-

out rendering the goods subject to seizure and destruction, and under section 10 this of itself shows that the knowledge or intent of the party shipping is not a material element of the situation which is prohibited by the act of Congress. The law further provides that if any person shall ship or deliver for shipment, in unbroken packages or otherwise, an adulterated or misbranded article, or shall offer such for sale, he shall be guilty of a misdemeanor.

The information in this proceeding charges the defendants with having offered for shipment an article which must be held to be adulterated and to be plainly contraband under the law. They are bound by the fact that the law was in existence. They are bound by the fact that they knew that they were manufacturing for shipment, or were actually shipping by interstate commerce, certain packages of oysters, which would be contraband or subject to seizure if found to contain filthy or decomposed matter (that is, "adulterated") within the meaning of the law. Congress has seen fit to impose a penalty for such a violation, and it is no defense to claim that the person causing the violation neither knew at the time that the goods were offensive, nor intended to violate the law. Hence an allegation that the defendants knew that the article was adulterated, at the time that they intentionally and willfully shipped it or caused it to be shipped, would apply only to cases where the adulteration had been placed in the goods by or with the knowledge of the shipper, or where an examination of the article had disclosed its presence. But Congress has gone much further, and in the exercise of its police power has imposed a penalty upon the sending of the deleterious or harmful substance, where the shipper is responsible for the act of sending, even though he may have nothing to do with the condition of the article sent, except as possession or ownership makes him responsible. The use of interstate commerce or of means of shipping an article from one point to the other, like the manufacture of an article, or its adulteration with a substance by the person preparing it, is an act which, when alleged in an indictment, need be charged as "knowingly" committed only if the person charged has to be alleged to be in possession of and exercising his mental faculties. Such an allegation is not necessary where, as here, the word "ship" means "cause to be shipped." Where a person intentionally uses or has used means of transportation, under such conditions that he may unwittingly be liable to a fine, then, subject to constitutional limitations, the imposition of the fine for the specific act must be determined solely from the conditions under which the penalty would be imposed, and not from the intent or purpose of the one liable to the fine.

The defendants have cited a number of cases to show that criminal intent requires knowledge or conscious action on the part of the criminal. They argue that a charge in the language of the statute is not sufficient if the act alleged could be innocently done, unless guilty knowledge is present, from which intent would have to be inferred. But this statute compels liability, if the harmful act has occurred through a shipment personally made by the defendant, or for which he is in a business sense responsible as shipper. The extent of the responsibility is left to the court, when considering the amount of punishment. The determination of when the defendant should be held as the shipper of the contraband article is a matter of law, but the fault of indefiniteness, or of failure to set forth what is charged to be criminal, can not be urged against the present information. The statutory requirements render the matter more definite, so far as limiting or defining the circumstances under which Congress intended that criminal responsibility should be placed upon an individual, and less latitude is given to those enforcing the law (with respect to everything except the amount of punishment) than if a determination as to the knowledge or information of the defendant were to be entered into.

The conclusion must be that if the person accused is responsible under the statute for the consequences of a shipment by interstate commerce, and if that responsibility carries with it a punishment for violation of some regulation necessary for the safety of health, then the information will lie.

The demurrer will be overruled, and the motion to quash denied.

On January 19, 1914, the defendants entered a plea of nolo contendere to the information, and the court suspended sentence.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3296. Adulteration and misbranding of compound fruit jam. U. S. v. 25 Packages of Compound Fruit Jam. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 4193. S. No. 1433.)

On June 21, 1912, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 packages of so-called compound fruit jam, remaining unsold in the original unbroken packages and in possession of Schiller & Koffman, Detroit, Mich., alleging that the product had been shipped on May 20, 1912, by the American Fruit Products Co., Rochester, N. Y., and transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Rosedale Brand Compound Fruit Jam—Strawberry. Packed expressly for Schiller & Koffman, Detroit. 60 per cent glucose, 25 per cent apple, 7½ per cent fruit, 7½ per cent cane sugar. Contents 30 lbs."

It was alleged in the libel that the product was liable to condemnation in that it was misbranded in violation of paragraphs 1, 2, and 4 of section 8 of the Food and Drugs Act, under the title "Foods," and was adulterated under the provisions of the first and second paragraphs of section 7, also under the title of "Foods," of said act, and was liable to condemnation and confiscable, for the reason that said packages of so-called compound fruit jam, and each of them, by said labels appearing thereon and the containers thereof, were labeled and branded so as to deceive and mislead the purchaser thereof; and were adulterated in that another substance, to wit, glucose, had been substituted in part for the article and was mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, an analysis of said product disclosing the fact that it consisted chiefly of glucose with only sufficient strawberry to impart a flavor, and the label of said product being so constructed that the reader would be led to believe that said product was a compound fruit jam of which strawberry was the leading ingredient, the qualifying phrase explaining that the product consisted of 60 per cent glucose, 25 per cent apple, 7½ per cent fruit, and 7½ per cent cane sugar, being printed on the label in the smallest type and in such inconspicuous fashion as to be not discernible without close scrutiny, which announcement did not cure the false impression that the article consisted chiefly of fruit and not of glucose, said misbranding, labeling, and adulteration aforesaid constituting a violation within the meaning of said act of June 30, 1906.

On October 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3297. Adulteration and misbranding of vinegar. U. S. v. 20 Barrels of Cane Vinegar. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 4257. S. No. 1447.)

On July 5, 1912, the United States attorney for South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 barrels of cane vinegar, more or less, remaining unsold in the original unbroken packages and in possession of the Andrew Kuehn Co., Sioux Falls, S. D., alleging that the product had been shipped on or about January 4, 1912, by the Haarmann Vinegar & Pickle Co., Sioux City, Ia., and transported from the

State of Iowa into the State of South Dakota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Dacotah Brand Pure Cane Vinegar—4½ acetic—Mfd. for Andrew Kuehn Co., Sioux Falls, S. D."

Adulteration of the product was alleged in the libel for the reason that it contained distilled vinegar which had been mixed and packed with and substituted for cane vinegar, thus reducing and lowering the quality and strength of the vinegar. Misbranding was alleged for the reason that the 20 barrels of cane vinegar did not contain "Pure Cane Vinegar," as they purported to contain, but each of them contained vinegar which was a mixture of cane and distilled vinegars.

On October 31, 1913, the said Haarmann Vinegar & Pickle Co., claimant, having filed its answer consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered and surrendered to said claimant upon the payment of the costs of the proceedings and the execution of bond in the sum of $300, in conformity with section 10 of the act.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3298. Adulteration of oysters. U. S. v. George H. Mott. Plea of nolo contendere. Sentence suspended. (F. & D. No. 4433. I. S. No. 20319–d.)

On October 29, 1912, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George H. Mott, the name George being fictitious, the real Christian name being unknown, doing business at Inwood and Far Rockaway, New York, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about April 17, 1912, from the State of New York into the State of Pennsylvania, of a quantity of oysters which were adulterated.

Bacteriological examination of a sample of the product by the Bureau of Chemistry of this department showed the following results: 5 out of 5 oysters showed the presence of gas-producing organisms in bile fermentation tubes after 4 days' incubation at 37° C. in 1 cc quantities; 4 out of 5 in 0.1 cc quantities; 2 out of 5 in 0.01 cc quantities; 0 in 0.001 cc quantities; 10 *B. coli* group per cc isolated from 2 oysters; 100 *B. coli* group per cc isolated from 2 oysters; 1 streptococcus per cc isolated from 3 oysters; 10 streptococci per cc isolated from 2 oysters. Score, 140 points.

Adulteration of the product was alleged in the information for the reason that it consisted in part of filthy, decomposed, and putrid animal and vegetable substance.

On January 19, 1914, the defendant entered a plea of nolo contendere to the information, and the court suspended sentence.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3299. Adulteration and misbranding of Scuppernong wine and Catawba unfermented grape juice. U. S. v. The Bay View Wine Co. Plea of nolo contendere. Fine, $25 and costs. (F. & D. Nos. 4447, 4606, 4768. I. S. Nos. 14592–d, 14590–d, 14589–d.)

On April 3, 1913, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Bay View Wine Co., a corporation, Sandusky, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, from the State of Ohio into the State of Kentucky:

(1) On or about February 14, 1912, of a quantity of so-called Scuppernong wine which was adulterated and misbranded. This product was labeled: "Special Queen of Lake Erie Ohio Scuppernong Wine Guaranteed not to be adulterated or misbranded within the meaning of the National Food Law Special."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed in grams per 100 cc, except where otherwise indicated:

Specific gravity, 15.6°/15.6° C	1.0563
Alcohol (per cent by volume)	12.66
Total solids	18.87
Sugar-free solids	2.16
Reducing sugar	8.78
Sucrose	7.93
Total acid as tartaric	0.555
Fixed acid as tartaric	0.360
Volatile acid as acetic	0.156
Total tartaric acid	0.080
Free tartaric acid	0.00
Cream of tartar	0.100
Tartaric acid to alkaline earths	0.00
Tannin and coloring matter	0.019
Polarization, at 20° C., direct (°V.)	+5.3
Polarization, at 20° C., invert (°V.)	−4.8
Polarization, at 87° C., invert (°V.)	0.0
Ash	0.154
Alkalinity water-soluble ash (cc N/10 acid per 100 cc)	8.4
Alkalinity water-insoluble ash (cc N/10 acid per 100 cc)	5.4
Sodium oxid (Na_2O)	0.0153
Potassium oxid (K_2O)	0.0621
Chlorin (Cl)	0.0277

Adulteration of this product was alleged in the information for the reason that an imitation of Scuppernong wine, prepared in whole or in part from grape pomace, had been substituted wholly or in part for the genuine Scuppernong wine which the article purported to be. Misbranding of the product was alleged for the reason that a statement, "Scuppernong wine," borne on the label, was false and misleading, in that it misled and deceived the purchaser into the belief that the product was Scuppernong wine, when, as a matter of fact, it was an imitation Scuppernong wine prepared in whole or in part from grape pomace. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Scuppernong wine," when, as a matter of fact, it was an imitation Scuppernong wine, prepared in whole or in part from grape pomace.

(2) On or about February 14, 1912, of a quantity of so-called Catawba unfermented grape juice which was adulterated and misbranded. This product was labeled: (On bottle) "Catawba Unfermented Grape Juice. The Golden Eagle Brand. Trade Mark: Merit, Purity. The Bay View Wine Co., Sandusky, Ohio." (On neck) "Preserved with sulphur dioxide (SO_2) being about .035 of one per cent due to the burning of the sulphur in the storage casks. Vintage 1910."

Analysis of a sample of the product by said Bureau of Chemistry showed that the product was not a pure Catawba grape juice, and that its composition had been altered by the use of materials other than freshly pressed Catawba grape juice. Adulteration of the product was alleged in the information for the reason that a substance, to wit, a mixture of grape juice, water, and sugar, had been mixed and packed with the article so as to reduce, or lower, or injuriously affect its quality or strength, and that said substance had been substituted wholly or in part for the pure unfermented grape juice which the article purported to be. Misbranding of the product was alleged for the reason that the statement on the label thereof, "Catawba unfermented grape juice," was false and misleading, in that it conveyed the impression that the product was the unfermented juice of Catawba grapes, whereas, in fact, the same was a mixture of grape juice, sugar, and water. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being represented as a pure unfermented grape juice, whereas, in fact, the same was not a pure grape juice but a mixture of grape juice, sugar, and water.

(3) On or about February 17, 1912, of a quantity of so-called Scuppernong wine which was adulterated and misbranded. This product was labeled: "Select Scuppernong Wine. The Golden Eagle Brand Purity Quality Trade Mark The Bay View Wine Co., Sandusky, Ohio. Guaranteed under the Pure Food and Drugs Act, June 30, 1906, Serial No. 307 Special The Golden Eagle Brand."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results, expressed in grams per 100 cc, except where otherwise noted:

Specific gravity, 15.6°/15.6° C	1.0552
Alcohol (per cent by volume)	12.50
Total solids	18.53
Sugar-free solids	1.87
Reducing sugar	6.12
Sucrose	10.54
Total acid as tartaric	0.596
Fixed acid as tartaric	0.422
Volatile acid as acetic	0.139
Total tartaric acid	0.114
Free tartaric acid	0.00
Cream of tartar	0.122
Tartaric acid to alkaline earths	0.010
Ash	0.172
Alkalinity of water-soluble ash (cc N/10 acid per 100 cc)	7.0
Alkalinity of water-insoluble ash (cc N/10 acid per 100 cc)	5.6
Potassium oxid (K_2O)	0.0548
Sodium oxid (Na_2O)	0.0139
Chlorin (Cl)	0.0253

From this analysis it was found that this wine was artificially prepared to resemble Scuppernong wine.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, a mixture containing sugar, water, flavor, and the juice of grapes other than Scuppernong had been substituted wholly or in part for the article (Scuppernong wine). Misbranding of the product was alleged for the reason that the statement "Select Scuppernong Wine," borne on the label of the bottle in which it was offered for sale, was false and misleading, in that, as a matter of fact, the contents of the bottle was not Scuppernong wine but an imitation Scuppernong wine, prepared in whole or in part from sugar, water, flavor, and the juice of grapes other than Scuppernong, and for the further reason that it was an imitation of Scuppernong wine and was offered for sale under the name of Scuppernong wine. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled and branded "Select Scuppernong Wine," whereas, in truth and in fact, it was not Scuppernong wine, but was an imitation Scuppernong wine prepared in whole or in part from sugar, water, flavor, and the juice of grapes other than Scuppernong.

On January 10, 1914, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $25 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *June 8, 1914.*

3300. Misbranding of vodka. U. S. v. Haiman Horowitz et al. (Russian Monopol Co.). Plea of guilty. Three defendants sentenced to pay a fine of $100 each. Indictment nol-prossed as to two defendants. (F. & D. Nos. 4476, 4582. S. Nos. 1494, 1529.)

At the September, 1912, term of the District Court of the United States for the Eastern District of New York the grand jurors of the United States, within and for the district aforesaid, returned an indictment against Haiman Horowitz, Leon Katz, Isidore Cuba, Sam Shulman, and Isaac Shulman, the said name Isaac being fictitious, true first name being unknown to the grand jurors aforesaid, each of said defendants of Brooklyn, N. Y., charging that said defendants on August 1, 1912, at the Borough of Brooklyn, N. Y., did knowingly, willfully, unlawfully, wickedly, and corruptly conspire, combine, confederate, and agree together and with divers other persons to the grand jurors aforesaid unknown to commit an offense against the United States in and by the violation of the Act of Congress approved June 30, 1906, commonly called the Food and Drugs Act, that is to say, in and by engaging in the business conducted in and under the name of the Russian Monopol Co. and in and by unlawfully inducing and assisting in the introduction into various States of the United States from the State of New York articles of food misbranded within the meaning of said act of Congress approved June 30, 1906, and in and by shipping and delivering and assisting in the shipment and delivering and procuring such shipment and delivery from the State of New York to the State of Pennsylvania and other States such misbranded articles of food. It was further charged in the indictment that the article of food was misbranded in that the labels on the bottles, packages, and receptacles containing said article of food bore statements, designs, and devices regarding such article and the ingredients and substances contained therein which were false and misleading, and in that said article of food was falsely branded and produced, and in that it was an imitation of and offered for sale under a distinctive name of another article,

and in that it was labeled and branded so as to deceive and mislead the purchaser and purported to be a foreign product when it was not a foreign product. It was further charged in the indictment that in furtherance of said conspiracy, combination, confederation, and agreement, and to effect the object of the same, on or about August 23, 1912, the said Haiman Horowitz, Leon Katz, and Isidore Cuba, under the name and style of the Russian Monopol Co., did unlawfully ship and deliver for shipment in the Borough of Brooklyn, N. Y., to the State of Pennsylvania, to wit, to Michael Bosak Co., Scranton, Pa., certain 3 cases, each containing 40 pints of the said article of food, to wit, certain Russian vodka, so-called, which said article of food at the time of such shipment was misbranded within the meaning of the act of Congress aforesaid; in that the labels on the bottles, packages, and receptacles containing the article of food bore statements, designs, and devices regarding such article and the ingredients and substances contained therein which were false and misleading, and further in that said article of food was falsely branded as to the State, Territory, and country in which it was manufactured and produced, and in that it was an imitation of and offered for sale under a distinctive name of another article, and in that it was labeled and branded so as to deceive and mislead the purchaser and purported to be a foreign product when it was not a foreign product. It was further charged in the indictment that in furtherance of said conspiracy, combination, confederation, and agreement, and to effect the object of the same, on or about August 27, 1912, the said defendants Horowitz, Katz, and Cuba, under the name and style of the Russian Monopol Co., did unlawfully ship and deliver for shipment from the State of New York into the State of Illinois, to wit, to I. Shulman, Chicago, Ill., certain 25 cases of the said article of food, to wit, certain Russian vodka, so-called, which said article at the time of shipment was misbranded within the meaning of the act of Congress aforesaid, in that the labels on the bottles, packages, and receptacles containing the article of food bore statements, designs, and devices regarding such article and the ingredients and substances contained therein which were false and misleading, and in that said article of food was falsely branded as to the State, Territory, and country in which it was manufactured and produced, and in that it was an imitation of and offered for sale under a distinctive name of another article, and in that it was labeled and branded so as to deceive and mislead the purchaser and purported to be a foreign product when said article was not a foreign product.

On October 22, 1912, the defendants Horowitz, Katz, and Cuba entered pleas of guilty to the indictment, and on October 24, 1912, were sentenced to pay a fine of $100 each or stand committed until such fines were paid. On December 4, 1912, an order of nol pross was entered as to the two defendants Sam and Irving (Isaac) Shulman.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *May 26, 1914.*

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[1] For index to Notices of Judgment 1–1000, see Notice of Judgment 1000; 1001–2000, see Notice of Judgment 2000; 2001–3000, see S. R. A., Chem. 4, Suppl.; future indexes to be supplementary thereto.

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